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SPEECH

OF

COM. JESSE DUNCAN ELLIOTT, U. S. N

DELIVERED IN HAGERSTOWN, MD.

On 14th November, 1843.

Published by the Committee of Arrangement of Washington County

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ERRATA

SPEECH.

Page 18, line 11, for J. S. Newton, read J. T. Newton.
Page 28, line 24 of note, for state room, read store room.
Page 48, lines 7 and 8 from bottom—for port, read part.

APPENDIX.

Page 24, 30th line from top, after martyr, read, in the Episcopal faith.

Hagerstown, Nov. 24, 1843

Sir:

It is our pleasant duty to convey to you the request of many of our fellow-citizens, that you will accept at their hands the compliment of a public dinner to-morrow.

You are here, after a long interval, in your native village, and near the tomb of your forefathers. Not many of your old play-fellows remain to take you by the hand, but of those who occupy their places, there are none but will greet with pleasure one who has so long borne the flag of their country 'through the battle and the breeze;' and none who are not gratified to know that their townsman, 'the Old Commodore,' will again "be fit for sea," and bear his country's flag in glorious triumph.

We are, respectfully,

your obedient servants,

J. J. MERRICK,
O. H. WILLIAMS,
JERVIS SPENCER,
CHS. MACGILL,
JNO. T. MASON,
GEO. SCHLEY.

To Commodore ELLIOTT.

Hagerstown, Nov. 24, 1843.

To Jos. J. Merrick, O. H. Williams,
J. Spencer, Chas. Macgill, John
T. Mason and George Schley, Esqrs.
Committee.

GENTLEMEN—I am honored with your communication of to-day. It would afford me very great pleasure to meet the many old and valued friends, *natives of the town of my birth*, at the festive board. This pleasure would be the more enhanced, as I recognize of the committee. names to which I feel strongly united by close family relations. The visit, however, I have made the town of my nativity, being somewhat of a pious nature, I thought only to drop a tear of affection on the sepulchre of a departed mother and sister.

I pray you to excuse me, gentlemen, when in addition I assure you that a previous engagement at Baltimore interferes to prevent an acceptance of so distinguished a favor.

I am, very respectfully and

truly your servant,

J. D. ELLIOTT.

The Committee of Arrangement, on the part of the people of Washington county, Maryland, present the following interesting Speech of their esteemed and distinguished fellow-citizen to the public. Without pretending to draw attention to its many and distinct excellencies, they will merely remark, that on the occasion of Commodore Elliott's visit to the town of his nativity, they were honored with the request to tender him a public dinner as an evidence of the high consideration, which was generally and deeply entertained for him, and for the valuable and inappreciable services he had rendered his country. This invitation, Commodore Elliott politely declined, from considerations of propriety, and which were honorable to the feelings of his heart. Acceding however to the wishes of his numerous friends, expressed through the same Committee, he met them in the Court House of this place, and addressed them in the following speech. With much reluctance, it was allowed by him, to be published as reported: and it is thus given, in the confident belief that the important historical events which it contains and in which it was his lot to participate, will be read with the same profit and delight, that attended their delivery on the above occasion

HAGERSTOWN, JANUARY, 1841

SPEECH

OF

COMMODORE ELLIOTT, U. S. N.

DELIVERED IN

HAGERSTOWN, MD.

My Fellow Countymen:

In the course of my pilgrimage to the tombs of a sainted mother and endeared sister, I have willingly tarried in the town of my nativity, to renew the associations of my childhood, and revive those recollections which are among the dearest and holiest in the heart of man. I have tarried, too, that I may return in some measure, the generous and kind evidences of regard, which have been so profusely extended towards me; and even at the risk of personal mortification, to respond to the request to address you upon the events of a life, in which you have been pleased to express an awakened interest. Although the task is far from being among those of my vocation, yet I cannot feel at liberty to decline the invitation, presented as it has been, by those for whom I have ever cherished the warmest esteem, and who have, by their many attentions, increased the obligations of gratitude. Permit me then, to ask for an exercise of your charitable indulgence towards the numerous faults of a hasty address, and to be assured that the only regret I experience is, that its subject matter is not more worthy of your attention. If, however, among the incidents of my narrative, there occur any, which in your lenient view may claim some commendation, let them be referred to the motive which has ever influenced my breast, to serve my beloved country in faithfulness; and if there should appear at times, an undue solicitude to defend myself from undeserved calumny and wrong, I beg you to remember, that next to that country, the humble services which I have rendered, are the only legacy which I can bequeath to my children. It is for them, and for the preservation of their parent's fair fame, that I would strive against a united world; as it is for the land of my birth, that my remaining energies are religiously devoted, to the rendering of such services as I may be enabled to perform in defence of its honor, the security of its blessed institutions, or the increase of its glory!

It is known to many in this respected audience, that the honor of a Marylander's birth-right was derived from parents, both of whom were Pennsylvanians, and that in the ninth year of my age, my father was killed by a party of Indians, on the Muskingum, on his route to join the army of Gen. Wayne, to which he was attached as a Commissary. The distressing event which made me an orphan, brought with it also the evils of poverty, upon a devoted mother; who in her widowhood had to struggle for the support of those that were left her, in infancy and childhood. Through the generous and noble exertions of the late John Thompson Mason, of your county, Congress voted a small gratuity to the relief of the relict of a brave officer; and Mr. Jefferson, then President of the United States, deprecating the parsimony of the grant, forwarded warrants for midshipmen in the Navy, to my brother St. Clair and myself. It was a spontaneous act of the great Apostle of Liberty, and it cheered the heart of a fond mother, in the season of gloom and painful anxiety.

The warrants were dated April 2d, 1804, and were accompanied by orders, attaching St. Clair to the President, Comm. Samuel Barron, and myself to the Essex, Capt. James Barron. We proceeded to the Barbary states on the Mediterranean, to humble them; negotiated a peace with Tripoli, and brought home the crew of the Philadelphia, who had been confined in the dungeons of that city. Having remained on shore until 1807, I was attached to the ill-fated Chesapeake, Capt. J. Barron; and on the 22d of June, departed for the Mediterranean. We had scarcely cleared our coast, before she was attacked by the British ship-of-the-line, the Leopard, of greatly superior force; and such was the utterly defenceless state of our frigate, and our ignorance of an intended attack by a vessel belonging to a nation with which we were at peace, that in a short time we were compelled to strike our flag—an act to which nothing but the direst necessity could have compelled us to resort. I need not dwell upon an affair which now is properly judged by the world, and particularly by my countrymen. I will merely remark, that Commodore Barron did all that a brave and skilful officer could do, under the circumstances. Although a court martial visited upon him a harsh punishment; yet I rejoice that he has long been restored to the confidence of his fellow citizens, by whom he is cherished as one of their noble and chivalrous officers.—[*See my testimony at Court Martial of Commodore Barron.*]

In connexion with this affair, and on account of my zeal in defending the character of my brave Commander, which I conceived to be unjustly aspersed, I became involved in a personal altercation, from which I could not honorably extricate myself; and accordingly a meeting upon the field took place with my antagonist. He fell; but fortunately the wound was not mortal; and it affords me sincere pleasure to say that we lived in close friendship, for years after, up to his death; an event no way hastened by this affair.

After this unprovoked attack on the Chesapeake, Government became more strict in her retaliatory proceedings against British cruisers on our coast, and adopted the well known measures of non-intercourse, embargo,

&c. I was at this period appointed acting Lieutenant on board the Enterprise, and subsequently promoted and commissioned to a Lieutenancy on board the John Adams, and bearer of despatches to our Minister, Wm. Pinckney, at the Court of St. James. During my stay in London, which was about five months, a variety of incidents occurred, which were of some interest to me as an American, and which were expressive of the feelings, &c., at that time existing between us and the English people. [Note A.] Returning to the United States, I shortly afterwards married. Immediately succeeding this event, war having been declared against Great Britain, I parted with my wife, to join my ship at New York; but she had sailed, leaving me on shore. Having learned from Government, that Admiral Sir John Borles Warren had information of the instructions given to Commodore Rodgers, to rendezvous in the Chesapeake, and it being considered important that the latter should be apprized of this fact, I volunteered my services to bear the information, as well as for the chance of joining at sea, the Argus, of which I was First Lieutenant. For this purpose I hired a small pilot boat, called the Patriot,* put one gun and thirty men on board, and cruised 40 days; during which time I was chased by two British gun brigs, and narrowly escaped. I returned home, and was ordered to report for service. Commodore Chauncey invited me to join his command, and applied to Government for me. I then received orders to proceed to Genessee Falls on Lake Ontario, and to Black Rock and Buffalo on Lake Erie; there to communicate with Gen. P. B. Porter, Mr. Granger, the Indian Agent, and Gen. Van Rensselaer, upon the subject of purchasing, building, and equipping boats and vessels for operations on the Lakes.

While there, I invited, at the suggestion of Gen. Porter, the aged Farmer's Brother, chief of the Six Nations, to the council. He inquired of me on that occasion, as he cast his eye through the window, and pointed significantly to the Queen Charlotte, then lying at Fort Erie, across the lake, "Do you see that?" I answered "Yes." He then asked me if she was made fast with rope and iron, and if she would go on the rocks astern, provided the ropes were cut, and she let into the rapid stream? I answered him she would. He then proposed that himself and two sons would paddle me over to the ship in his canoe, that I might cut the rope and let her go. But as Daniel O'Connel said recently, in alluding to an Irish war against England, I told the old Indian "I knew a trick worth two of that."† He was anxious his sons should join me; I assured him that when I did go, I would take them along. After this, I conceived and carried into execution the capture of the Detroit and Caledonia, and on the day after, old Farmer's Brother sent his tribe down with Red Jacket to Black Rock, to have a war-dance in honor of

* This was the ill-fated schooner in which Col. Burr's daughter was afterwards lost at sea.

† This old Indian was the only man that ever made me turn aside from a suggested action on a point of gallantry. I am now seeking his portrait to hang it in my house. He was a brave old chieftain. He met the British with his warriors when they were advancing on Black Rock, and in the retreat from there to Buffalo, he fired his rifle with his own hands upon the pursuing enemy nearly one hundred times.

the expedition, and to *christen* me. The ceremony of the latter rite was in this wise. Preliminaries having been arranged in true Indian style, the cognomen of Owl was conferred by Red Jacket, who selected the name from the circumstance of the capture taking place in the night time. The old chief declined coming down, being a little displeased that I did not take his sons with me in the expedition; which I was unable to do on account of the shortness of the preparation and the nature of the affair. [Note B.]

After the capture of the Detroit and Caledonia, the army failing in its operations below, I left for Lake Ontario, where we had only one regular cruising brig; believing that with it and such vessels as Com. Chauncey had purchased, we would be enabled to meet the enemy before the lake should close. In anticipation of what I believed to be the Commodore's wishes, I repaired to Sackett's Harbor, (meeting him at Oswego river,) where that skilful naval architect, Henry Eckford, was engaged in fitting the purchased vessels for war. The Commodore assigned me to one of the best, and in compliment to the successful effort I have just alluded to, he called her the Conquest. We soon marshalled our strength on the lake, and drove all the force of the enemy into the harbor of Kingston, where a united attack was made upon it. I refer you to that faithful historian, James Fenimore Cooper, for the result and particulars.—The winter having soon after set in, closed our operations for the season.

Early in the spring I returned to Sackett's Harbor, and having been detached from the Conquest of 2 guns to the Madison of 24, I two days after took on board Maj. Gen. Dearborn, Brig. Gen. Pike, a park of artillery, and 500 men of the brigade; when we proceeded, accompanied by the whole fleet and 1200 men, to York, Upper Canada, and landed the whole under a heavy fire from the British troops on shore. I then returned to the Madison to report the safe landing of the brigade, and requested to be further employed. The Commodore answered me, that my ship drew too much water to cross the bar, and that I had done enough that morning. I replied that I was aware that the ship drew too much water, but that the little Conquest, from which he had withdrawn me a few days before, did not; and with his permission, I would like to lead all the schooners to the assault on the batteries. He assented, with the emphatic remark: "Do so; but be sure you bring your head back on your shoulders!"*

* I may here relate a deeply affecting scene, which occurred at that time. I had scarcely set my foot upon the deck of the Conquest, when a noble young lad named Hatfield, about 15 years of age, observed to his fellow-midshipman Clarke, "My dream is up! I dreamed that Captain Elliott came on board, and that I was killed." And true enough, the little fellow was killed! His leg was taken off just below the knee by a shot from the shore, while we were working up to the battery, against an opposing wind, the magazine of which was exploded on Gen. Pike's brigade; and while I was tying up his leg, and endeavoring to stop the blood, he said it was of no use, for he must die. I replied to him that he should not die, but live to be an admiral. He asked me if he had done his duty, and if I was satisfied with him? I told him I was, and that he was a brave little fellow. He then asked me if I would call on my way home, and tell his father and mother that he had been faithful. I did so. His father was an industrious mechanic, at Albany.

I am thus particular, because the historian, Cooper, for want of information, has failed to state that I had left the Madison for the smaller vessels.* And now I am charged with dictating the incidents of his history to him! It is due to that faithful chronicler, unequivocally to declare, as I now do in most positive terms, that I did not supply him with one iota of information, whilst he was penning the history of the United States Navy: for until after that history was written we were, in a great measure, strangers. In respect to the charge of *employing* Mr. Cooper to defend me, it is a charge which has proceeded from those who themselves being ready to receive the most pitiable bribe for any work of baseness, are ever ready to regard all mankind as possessed of the same depraved principles, and thirst for venal prostitution.

After the surrender of York, I obtained the British flag, and sent it off, to the Madison, with the gallant and noble Gen. Pike, (now mortally wounded) who in the cabin and on my cot, expired with his head upon it. This being the first of a series of operations for the conquest of Canada, Gen. Dearborne, with the whole of the army, made an attack on Fort George, which he reduced. The post assigned me in this operation was to keep myself in reserve, with Col. McComb, late Maj. General, for an expedition in the night; but the success of the army in the attack rendered unnecessary the contemplated movement. Fort George having thus been reduced, the operations of the navy were thrown back exclusively to its peculiar element, to seek a contest with the British fleet. In our advance to the head of the lake, a second movement was made for the dislodgement of the British then in possession of York, and for the capture of their stores; to aid in which I was instructed by Commodore Chauncey to land with a body of marines and riflemen; but on our arrival we found our enemy had retreated. On reaching the head of Lake Ontario, I was shown a letter by Commodore Chauncey, received from Captain O. H. Perry, senior officer on Lake Erie, in which a call was made for 100 seamen, and with me as their commander, he was pleased to say, that he would insure victory on the waters of Lake Erie. The opportunity to me was too tempting to be permitted to pass away; and I consented, with the condition that, after the capture of the British fleet, I should be permitted to return and join him in the great action on Lake Ontario. Accordingly, I departed for Lake Erie, taking with me more than one hundred efficient men, meeting Captain Perry at Presque Isle. I at once took command of the Niagara, of 20 guns; directing all my efforts in the organization of a crew, and practising them constantly in the use of the battery; and I did not land at Erie until we had conquered the enemy. On the following day we proceeded to the head of the lake, off Sandusky, and received on board Gen. Harrison, the other general officers, Col. Gaines, the young and heroic Croghan, and the Indian Chiefs who were with them. After their departure, we proceeded to our new anchorage at Put-in-Bay, and there made our calculations for future operations. Our first move was to proceed with all our force in view of Malden, to challenge the

* See letter of Francis Malloby, in Appendix. [Note C.]

enemy's fleet to combat, and to intimidate the Indians. But failing in our views, we returned to Put-in-Bay. Captain Perry then received a communication from General Harrison, stating that unless the difficulty of the British fleet on Lake Erie was removed, he might be compelled to go into winter quarters, and thus would reluctantly fail in his contemplated plans. This suggested the necessity of some desperate and effective act. Accordingly, Perry and myself agreed upon again going over and giving them a feeling shot, with the hope of thus drawing them out; and in the event of that failing, we were to procure boats and men from Gen. Harrison, proceed over in the night in two divisions, respectively led by each of us, and burn the British vessels under their own guns. However, after the second attempt to get them out, they appeared in the offing on the morning of the 10th of September, when we immediately got under weigh, and endeavored to work out of port (having a head wind) for the combat. The wind soon favoring, we stretched out sufficiently clear; when signal was made to form the established order of battle: the Niagara in the van. Being to windward, we had it in our power to fight them as we pleased, and with a kind of metal, if properly used, to make the action short. Believing from the frequent opportunities I had had of encountering the enemy, that I could successfully lead the van of our line, I previously solicited and obtained the position. But when approaching the enemy, nearly within gun shot, Captain Perry made signal to come within hail. I backed my main-top-sails and edged off the line. Captain Perry then asked to converse with my marine officer, Capt Brevoort of the army, whose family lived in Detroit; and he learned from him the name and force of each ship in the British line. The Detroit being in the van, Captain Perry remarked to me that as the enemy's senior officer was heading their line, he thought it his duty to lead ours, and ordered me to take his place, under the stern of the Caledonia. The change was accordingly made, and our line formed, as sworn to by all the witnesses examined on the point, before the Naval Court at New York in 1815. When within 1¼ miles of the enemy, their ship, the Detroit, with her long guns, commenced a fire upon the Lawrence, Captain Perry, at the head of our line. A few minutes after, about 12 o'clock, M., (both lines on an angle of 15°,)—the head of our line reaching only to the third vessel in theirs—the Lawrence rounded to and commenced firing, aided by the two gun boats on her weather bow.

The British fleet was in the following order:—Chippewa, Detroit, Hunter, Queen Charlotte, Lady Prevost and Little Belt.

The American thus:—Lawrence with two schooners, Scorpion and Ariel, on her weather bow, distance from her 200 yards; Caledonia and Niagara in close order with the Lawrence, perhaps half a cable's length apart, (about 120 yards) and the four gun boats astern, distance three-fourths of a mile.

Immediately after the Lawrence had opened her battery, th firing became general along our whole line. On perceiving the shot of all our carronades to fall short of the enemy, I ordered the long guns shifted over against them. Knowing the distance to be too great, and ob-

serving the Queen Charlotte bear up from our fire, I determined to run through the line after her, and directed the weather braces to be manned for that purpose. But there stood by me as good a seaman perhaps as our Navy ever had in it; I allude to Humphrey McGrath, purser, and formerly a lieutenant in the service; who observing my movements, asked me to pause a moment, and then directing my attention to the slackening fire of the Lawrence and her crippled condition, remarked that if the British effected the weather-guage we were gone! I at once saw the propriety of the observation, passed forward to the forecastle, (my flying jib boom over the stern of the Caledonia,) and ordered Lieut. Turner to put his helm up sufficiently to allow me to pass. This he at first refused, stating that he was then in his station in the line. Afterwards however, on a repetition of the order, he did so; changing his position perhaps fifteen yards; and letting me pass him, he again luffed up into his position. At this time the Lawrence ceased her fire entirely, and no signal being made, after the first, to form in the order of battle, I concluded that the senior officer was killed. The breeze now freshening, I observed that the whole British fleet drew ahead, cheering along their entire line. I then set top-gallant sail, fore and aft mainsail and foresail, and passed within 20 yards of the Lawrence; still not seeing Capt. Perry. Having now exhausted nearly all my 12lb. round shot, I ordered Mr. McGrath with a few brace men to proceed in my boat to the Lawrence, and bring me all hers; and immediately steered directly for the head of the British line, firing continually my whole starboard battery on them, as I passed. When I reached within 250 yards of the beam of the Detroit and ahead of the Queen Charlotte, I luffed on a wind, and commenced a most deadly fire; the Niagara then being the only vessel of our fleet, in what I call close action. The British were just before cheering for victory; but their cheers were now turned into groans, and the blood ran from the scuppers of the Detroit and Queen Charlotte, like water from the spouts of your houses, in a moderate rain. The Lady Prevost luffed from her station in the British line and attempted to cross our bow for the purpose, as I thought, of raking us. I immediately ordered the marines under Capt. Brevoort to proceed to the bow of the ship, and fire upon her; which had the effect to force her back into their line. While thus engaged, a boat was reported as coming from the Lawrence, and believing it to be my own boat with the shot, I directed Midshipman Smith to stand by and pass them out. He returned however with the report that it was not our boat, but one of the Lawrence's. I looked over the stern and saw Capt. Perry in it; whom I met as he came over the side, asking him what was the result on board his brig. He answered, "Cut all to pieces,—the victory's lost,—every thing's gone! I've been sacrificed by the damned gun boats." To which I replied, "No, sir, victory is yet on our side. I have a most judicious position, and my shot are taking great effect. You tend my battery, and I will bring up the gun-boats." "Do so," said he, "for Heaven's sake."—[*See Tatem's testimony before Court of* 1815; *Brevoort's deposition; Cummin's testimony and letter, and Webster's letter.*[D.]

I immediately passed over the side into his boat, and pulled by the Lawrence, passing between her and the enemy. I hailed each gun-boat as I passed, ordering it to make sail, get out the sweeps and press up for the head of the line, and to cease firing at the small vessels of the enemy astern. I then returned to the headmost gun boat, the Somers. Capt. Perry now perceiving the two ships foul, (being rendered so by the attempt of the Detroit to wear round and bring her starboard battery into action, the larboard having been destroyed in a great measure by the imperfect construction of her gun carriages, and the Queen Charlotte running up under her lee, and thus becoming entangled,) and observing that the gun boats were rapidly coming up, made the signal for close action, and then bore up, passing between the Chippewa and the two ships, Detroit and Queen Charlotte; while I shortened sail with the four sternmost gun boats in line abreast, under the sterns of the two latter; distance perhaps 150 or 200 yards. Soon after the British ensigns were hauled down. The flag of the enemy's commander being nailed to the mast, it could not be hauled down, and consequently an officer came aft and waved a white handkerchief, on a boarding pike as a signal of submission; when I ordered the gun boats to cease firing. After the enemy had struck, the headmost and sternmost vessels of their line, the Chippewa and Little Belt, put up their helms, made sail, and attempted to escape for Malden, but were pursued by the gun boats, captured and brought back.*

So soon as we had ceased firing, I went on board the Detroit, to take possession, and such was the quantity of blood on the deck, that in crossing it, my feet slipped from under me, and I fell; my clothing becoming completely saturated and covered with gore! I went below to see Capt. Barclay, who tendered me his sword; but I refused it, and anticipated the wishes of Capt. Perry, by assuring him that every kindness would be shown himself and the other prisoners. While on board the Detroit, I ordered my coxswain to go aloft and draw the nails which held the British flag to the mast. These nails I presented, through the hands of our old townsman, Dr. Richard Pindel, to the man who was

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*The following incident will in some degree account for the signal successes which crowned our arms in the war of 1812. I was directing the forward gun—the schooner having but two—and after the enemy had struck, ordered to cease firing, but the man at the after gun, having lost his fire by the intervening rigging, was in the act of firing again. I struck him with the flat of my sword, saying, "You scoundrel, do you mean to fire at him after he has struck?" "Just this once more, Captain Elliott," said he. "What do you want to fire for?" "I want a little satisfaction, just for myself. I was pressed nine times in their service!" To such a feeling, possessed by many a noble tar, may be attributed most of the glorious achievements of our arms. Victory is not always ascribable to the epaulette of the officer, or even to his personal gallantry, but very often to this innate feeling. And how are rewards and honors distributed? You decorate your officers with swords—vote medals and thanks from corporate bodies, and leave poor Jack to the indulgence of his native or acquired propensities. He attaches himself to the latter, and thus becomes an object of commiseration, and too often of contempt. Give your seamen more pay—extend to them the hand of fellowship—improve their morals, and *instruct them in religion*, and my life upon it, your arms will never be attended by other than success.

so blessed as to gain the heart of one of Washington county's fairest daughters. My friend, Judge Buchanan, on my right; and my friend, Gen. Williams, before me; as many others, no doubt, in this assemblage, will recollect the charms of our mutual friend and youthful companion, Lucretia Hart. It was to her illustrious husband, Henry Clay, of Kentucky, to whom I felt under obligations, for a high encomium, pronounced the winter before, in Congress, upon the capture of the Detroit and Caledonia, that I presented the nails that were intended to hold the British flag aloft through victory.

Returning on board the Niagara, I was met at the gangway by Capt. Perry, who asked me if I was wounded. I answered him, "No." He then observed to me that "he thought it was impossible I could have pulled down the line without being killed." He further remarked, "I OWE THIS VICTORY TO YOUR GALLANTRY!" I then asked him why he did not stand further on, and let us all get fairly into action? He said he found the enemy's shot taking effect on his crew, and therefore, to divert the attention of his men from their fire, he rounded to sooner than he intended.*

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* Great stress has been laid on my not leaving my station in the line, at the battle of Lake Erie, at an earlier moment; and in doing so, why I did not pass between the Lawrence and the enemy. I'll tell you. Where two fleets are about to engage in battle, a knowledge of naval tactics and evolutions must be resorted to. The line once formed, no captain has a right to change, without authority, or a signal from the commanding vessel. The crisis had arrived, in my opinion; when, at the risk of losing my own head, I changed the order of battle, as before stated. The British fleet being on a wind, and moving ahead, to prevent their getting between me and our small vessels, I directed my course to reach the head of their line, before they could tack and weather us. Here Capt. Perry found the Niagara, as he stated to Mr. Webster, when the latter questioned him as follows:

"Do you think any blame is to be attached to the commander of the Niagara, for not bringing her into the action sooner?"

"No, sir; with her position when the battle commenced, and the wind she had to contend with, no officer could have done better than Elliott did." He continued—"After my ship had become disabled, and seeing from the course the Niagara was pursuing, that she evidently must break the enemy's line, and in their crippled condition, victory must perch on our banner—at this eventful moment, I got into my boat and made for the Niagara, and took command of her, which resulted as anticipated, in our victory; but I must say, in justice to Elliott, that the result must have been the same, had I not taken command of the Niagara."

Mr. Webster, above alluded to, is the publisher of the People's Democratic Guide, New York, and with whom I have never had any acquaintance whatever. He was engaged in preparing a diagram for publication, and thus had the interview with Perry. The agents whom he sent to the frontier, were not known by me to be there. I have learned subsequently, that they were closeted with some of the young officers at Erie, who furnished a diagram, placing their vessels where they wished the public to suppose them, but where they never were; more especially the Caledonia and the Trip, neither of which ever passed my beam or the Somers, until the British flags were struck.—[*See diagram, and questions and answers, before the Court of Inquiry at New York, in my Biography.*]

And further, what right had I to leave my position in the line, without the authority of a signal? This I have answered before. Let us try this point by a previous proceeding on Lake Ontario. Sir James Yeo had led our fleet evidently with a view to separate our squadron, by drawing off the two fast sailing vessels from the dull schooners. On one occasion, Comm. Chauncey became impatient for battle—made sail in chase, and the signal for close action—engaged the Wolf—disabled her

Permit me now, my friends, to remark, in reference to Capt. Perry, that up to the time I went on board my brig, the Niagara, after the battle had ceased, I FOUND HIM TO BE NOBLE, GALLANT, HIGH-MINDED, AND HONORABLE: AND NO MAN IN MY PRESENCE, SHALL SAY AUGHT AGAINST HIM! LET HISTORY TELL THE BALANCE! THAT HISTORY CONTAINS THE REGISTRY OF UNCEASING PERSECUTIONS, DARK AND INGENIOUS CONSPIRACIES, UNMITIGATED AND VINDICTIVE ASSAULTS UPON ME, BY THOSE WHO PRETENDED TO BE HIS FRIENDS! BUT, SO HELP ME GOD, I DO SOLEMNLY DECLARE, THAT I BELIEVE HIM TO HAVE BEEN THE VICTIM OF THEIR HOLLOW HYPOCRISY, AS I HAVE BEEN THE OBJECT OF THEIR INFAMOUS AND VILE SLANDERS! WHEN THE UNIVERSAL ENEMY HAD STRICKEN HIM, AND LAID HIM LOW, I TAUGHT MY HEART TO CAST AWAY ALL UNFRIENDLINESS TOWARDS HIS MEMORY; AND NOW THAT THE GRAVE HOLDS HIM CAPTIVE, THERE IS A FULL, DEEP OBLIVION OF ALL THAT HAS PAST, IN MY BREAST! IN RELIGIOUS SINCERITY, I SAY, PEACE, ETERNAL PEACE, TO THE BRAVE AND GALLANT PERRY! AND BEFORE MY ETERNAL JUDGE, I DECLARE THAT THERE IS NO HAND, INSTINCT WITH LIFE, THAT IS MORE READY TO DECK HIS TOMB WITH LAURELS, THAN THIS SAME ONE, WHICH ONCE GRASPED HIS, WHEN CONGRATULATING HIM UPON OUR VICTORY!

It will be perceived, my friends, that my leaving the line of battle as first established, (and that too, with the halter around my neck—for from what has passed since, it is not hard to tell what would have been my fate for that act, had we lost the battle,) and my hazardous measure of passing down the line and bringing the gun-boats into close action, enabled my senior officer to say in the spirit of Cæsar, "We have met the enemy and they are ours!" There were many circumstances which impelled me to the movements I made in this battle. The recollection of a father, who had fallen in defence of that frontier which was attempted to be wrested from us—its then exposed condition—the urgent necessity for decided demonstrations—the love of country, and my

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main and mizen mast, leaving her but one mast on which to make sail. The second in command, Capt. Mulcaster, ran in between the two Commodores, in the Royal George, received Chauncey's fire, and thus enabled his own Commodore to make sail on his remaining mast, bear up, and get clear. This was an act of gallantry which won the admiration of our whole fleet, and which merited for him a knighthood from his own government. The act was scarcely adverted to by Sir James, and he, poor Mulcaster, has paid the debt of nature with a broken heart. There was our Sylph, to windward, of four 32lb. long guns; the Madison (with a schooner in tow,) and Oneida astern, not yet engaged, and the signal flying for close action, on board the Commodore's ship. His captain, Sinclair, asked him if he should haul the signal down; "No, sir! let it fly forever, for their eternal disgrace." This was communicated to Dr. G. T. Kennon, of Richmond, Va., and myself, by Capt. Sinclair, the flag-captain of Comm. Chauncey's ship.

burning desire to emulate the gallantry of another Washington county boy, the brave Israel, who threw himself on board the Intrepid, at Tripoli, for the purpose of destroying the Tripolitan fleet, and who, when discovered, rather than yield himself a prisoner, with his brave companions applied the torch to the magazine, and went in one common wreck to the other world!—Is it presumptuous to express the hope that he now enjoys that eternity of glory, which true patriots and brave soldiers expect in the home of noble and exalted spirits!

After the action on Lake Erie, conformably with the promise to Commodore Chauncey, I left in the ensuing spring, and returned to Lake Ontario, designing to act as flag captain, on board the Commodore's ship, Superior. But on my arrival I found a vacant brig, the Sylph, a fast sailer, of 20 guns, and by agreement I accepted that vessel for the purpose of bringing on the action. Late in the summer we were enabled to take the Lake, proceeding to its head and there intercepting a brig of nearly the same size of the Sylph, running from York to Fort George. Comm. Chauncey made signal for me to give chase and attack her, which I accordingly did; but when I thought her to be in my grasp, the laurel was snatched from me: her captain running her on shore, and finally blowing her up.—[*Cooper's Nav. Hist. p.* 85.]

It may be remembered by many of you, my fellow townsmen, that I had another brother, Wilson, who likewise served his country on the frontier. He was a captain in the XIX Regiment U. S. Infantry, and one of those who accompanied Col. Campbell in his campaign against the Mississineway towns; in which expedition there was so much suffering from hunger and cold.—[*See Col. Campbell's Report, p.* 102, *Military and Naval Letters.*] He was also one of the four captains who so successfully charged the left flank of the British batteries, when they had invested Fort Meigs.—[*See Gen. Harrison's letter, p.* 156 *Military and Naval Letters.*] He contracted disease at Fort Meigs, which continued to weaken him, until it finally caused his death. This brother came on board the Niagara, on the evening of the 17th September, seven days after the battle, and informed me that the officers of the Lawrence and Niagara were at issue as to the part borne relatively by each brig in the action. I naturally expressed my surprise, remarking that Captain Perry and myself were on the best of terms, and that the official letter would do justice to all. He however further remarked that my brig had not been injured as much as Perry's, and it was supposed, therefore, that she had not participated as fully. At Wilson's suggestion, I wrote to Captain Perry upon the subject, and received the following answer:

U. S. Schooner Ariel, Put-in-Bay,
September 18th, 1813.

My Dear Sir:

I received your note last evening, after I had turned in, or should have answered it immediately. I am indignant that any report should be circulated, prejudicial to your character, as respects the action on the 10th inst. It affords me great pleasure that I have it in my power to

assure you, that the conduct of yourself, officers and crew, was such as to merit my warmest approbation; and I consider the circumstance of your volunteering to bring the small vessels into close action, as contributing *largely* to our victory. I shall ever believe it a premeditated plan to destroy our commanding vessel. I have no doubt, had not the Queen Charlotte run away from the Niagara, from the superior order I observed her in, you would have taken her in twenty minutes.

With sentiments of esteem, I am, dear sir,

Your friend and obed't. serv't.,

CAPT. ELLIOTT. O. H. PERRY.

On the morning succeeding, I saw Capt. Perry, and remarked to him that as Gen. Cass and myself were assigned for making the necessary preparations for the embarkation and debarkation of Gen. Harrison's army, in a descent on Upper Canada, it would be well for us to go to his tent, (Gen. Cass') and there discuss the point on which the young officers were at issue, leaving him to make a memorandum of the same. We did so, and the original note, of which the following is a true copy, is now on file in the Navy Department, placed there by Gen. Cass.

[EXTRACT.]

"WASHINGTON, Sept. 3d, 1836.

"DEAR SIR:

"A few days after the battle of Lake Erie, 1813, Comm. Perry and yourself called at my tent in Put-in-Bay, by previous appointment, I understood, to converse in my presence, on the subject of the action.

The matter was discussed between you and Comm. Perry, in a friendly spirit, and the Commodore expressed his entire satisfaction at your conduct. You parted, it appeared to me, with the best feeling, and I hoped and expected that the subject would be heard of no more.

I am, dear sir, with much respect,

Your obed't. servant,

LEWIS CASS."

COMM. ELLIOTT, U. S. Navy.

I must now, my friends, unwillingly open the grave of my departed, once gallant friend, and let him stamp with indelible infamy, the foul charges concerning my movements with the boats on the Thames, on the day of the battle. It is alleged in that paltry collection of trash and falsehood, "Mackenzie's Life of Perry," that I disobeyed orders, in leaving the first position assigned, and going nearer the battle ground. The following is Capt. Perry's letter to me on that occasion:

BATTLE GROUND, MORAVIAN TOWN, 2 P. M. }
October 5, 1813. }

DEAR ELLIOTT:

We have just had a battle. Five hundred British Infantry have laid down their arms. Hurry up with the gun-boats, to receive the prisoners and take care of the wounded.

Very truly yours,

CAPT. ELLIOTT. [E.] O. H. PERRY.

I proceeded in obedience to this letter,* near the battle ground, where I met my gallant friend, Col. Richard M. Johnson, lacerated and cut to pieces, and put him in my boat for surgical aid.

After the last mentioned services on Lake Ontario, perceiving that an interminable *war of ship-building*, would likely be the only duty on the Lake for some time to come, I solicited and obtained the command of the sloop of war Ontario, at Baltimore, for the purpose of cruising against the British, and subsequently, to the Mediterranean, against the Algerines, who had made war against the United States. While at New York, fitting for this cruise, in June, 1815, I received information of circulated doubts about my conduct in the battle of Lake Erie; whereupon I asked a Court of Inquiry, which was ordered by the Secretary. It resulted in an honorable acquittal, and was accompanied by the highest eulogium which the Court could bestow. I know you will permit it to be read, since it is the result of an examination by a board of officers who were alive to the honor of their country, and jealous of the glory which belonged to the naval arm of its defence.

OPINION OF THE COURT OF INQUIRY, 1815.

"The Court of Inquiry, convened at the request of Capt. J. D. Elliott, having deliberately examined the evidence produced before them, for the purpose of investigating his conduct in the glorious battle of Lake Erie, on the 10th September, 1813, in which he bore so conspicuous a part, sincerely regret that there should have been any diversity of opinion, respecing the events of that day; and imperious duty compels the Court to promulgate testimony that appears to materially vary, in some of its important points. The Court, however, feel convinced, that the attempts to wrest from Capt. Elliott, the laurels he gained in that splendid victory, as second in command under the gallant and highly meritorious officer, Capt. Perry, ought in no wise to lessen him in the opinion of his fellow citizens, as a brave and skilful officer, and that the charge made in the proceedings of the British Court Martial, by which Capt. Barclay was tried, of his attempting to withdraw from the battle, is malicious and unfounded in fact. On the contrary, it has been proved to the satisfaction of this Court, that the enemy's ship, Queen Charlotte, bore off from the fire of the Niagara, commanded by Capt. Elliott.

A. MURRAY, *President.*

HENRY WHEATON, *Judge Advocate.*

Approved, B. W. CROWNINSHIELD."

I will here ask the permission of my friends to interrupt the course of my narrative in order to remark that, after the rendition of such a verdict by a court constituted of the honor and chivalry of the service, it might be expected that my conduct in the battle of Erie would no longer be the subject of unjust reflection, even among my enemies. But after events have disappointed such reasonable expectations. My whole professional life has been marked by persecutions as unrelenting as they

* See Comm. Elliott's account of the ascent up the Thames, of the gun-boats, and the army, relative to this affair. [F.]

were bitter, and by conspiracies for my ruin, as ingenious as they were dark and vindictive. Not only have individuals enlisted in their crusade against my honorable and fair reputation, and personal feelings been brought to bear against my peace and that of my family, but local and even state prejudices have been called into activity to crush a single, solitary individual. The legislature of Rhode Island gratuitously, and by proceedings wholly *ex-parte*, considered the circumstances of the battle, and pretended to decide the relative merits of the parties concerned. One Tristram Burges, with an effrontery only equalled by his superlative stupidity, has published a small volume, in which the claim to honorable consideration for my part in the affair is denied me. Because the Naval History of the United States by J. Fenimore Cooper has done me justice, the work has been assailed, and its author libelled;* whilst that wretched farrago of errors and nonsense, the "Life of Perry,"

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*I would here commend this faithful historian. Read all his works, for he writes with a vigorous pen, and with great truth; and in defence of truth and justice, he suffered almost martyrdom, and on my account, which endears him to me. When he took up his pen to record the events of the Battle of Lake Erie, we were comparatively strangers. When he (Cooper) advertised to write a History of the Navy, Comm. M. C. Perry, brother-in-law to A. Slidell Mackenzie, went to him at Philadelphia, and asked him if he wanted materials to describe the Battle of Lake Erie. Mr. C. replied, "Yes." "Here they are," said Mr. P., placing a huge package on the table, for which Mr. Cooper thanked him. Some time after this, Mr. P. called again, to inquire if Mr. C. wanted any thing more, when he answered, "Yes, the papers explanatory in the case of Capt. Elliott; yours are all of a controverted character. I must seek for *truth—find* and *record* it." "Do you think you will mention the name of Comm. Elliott with respect?" "Most assuredly." "Then your book will be *attacked*." "Very well." And sure enough it was attacked—and by whom? A. Slidell Mackenzie; in the North American Review. Mr. Cooper met and repulsed the attack. The first edition being run through, he published a second, and in his introductory remarks states, that the book being attacked, he was induced to look further into the matter, and on doing so, came to the same conclusions, and recorded the same. Here again, a most injurious attack was made, by Mr. Duer, the connexion of A. Slidell Mackenzie, on which Mr. Cooper commenced a suit for libel on his history of the Navy, relating to the capture of the Detroit and Caledonia, and the battle of Lake Erie. The case remained in Court nearly three years—called up at each term, but Col. Stone was not ready for trial. At length the Judge determined to render judgment in default. Here Mr. Cooper demurred, on the ground that he would stand as when he commenced his suit. He wanted truth for posterity, and prayed that the case might be laid over for another term. It was—and Col. Stone, finding himself *cornered*, sent a friend to say that he apprehended a jury would not have intelligence enough to judge the subject; would he, (Mr. Cooper,) have any objections to have it arbitrated, by three distinguished lawyers, versed in nautical matters? Mr. Cooper said this was the very tribunal before which he wished to appear—that if he, (Col. Stone,) would agree that their decision should be final, he might select two of the judges. Accordingly, two violent whig partizans, one an intimate friend of the Perry family, Mr. Foote, was selected by Col. Stone. Mr. Cooper concluded not to have an enemy in camp, and selected another of the same party, Mr. Stevens of Albany. Thus they stood, Lord, Foote and Stevens, with a reporter in the case. The Court opened: the hall crowded to excess, many attending to hear the merits of the long contested points—others to see Mr. Cooper in his new calling, pleading the case of your *Washington County boy*. He commenced by opening his case without reference to other than the official connexion with the battle. This done, his adversaries, (for they were numerous, both in and out of the Navy,) answered, and introduced all the defamatory and libellous testimony on which they relied. The case was fully argued, and Mr.

by A. S. Mackenzie, has been admitted into the libraries of the public schools of New York. Yet although made the victim of wrong and injustice—although my life has been embittered by constant assaults of slanderous and unprincipled men, I have endeavored to bear the wrongs, which were enough to madden, with becoming dignity and forbearance; looking to that justice from my countrymen upon which I knew that I could rely in safety. Slow, however, as it has been in its operation, it yet has come; and that God who has shielded me in the battle's strife, has not deserted me in the fierce assaults of my unprincipled traducers!

To return to my narrative. I next proceeded, in command of the Ontario, to the Mediterranean as one of Commodore Decatur's squadron, against Algiers, and contributed to the capture of the Algerine frigate, by a discharge of heavy fire into her.—[*See Cooper's History, 3d Ed'n.*] The difficulties with Algiers, &c. having been settled, I asked to return to my family, and came as passenger in the Macedonian. Shortly after I was appointed to meet Gen. Bernard as a commissioner for the coast survey, and for the examination of suitable places for Dock Yards, Forts, &c.* After this duty was performed, Gen. Bernard addressed me the following letter, on the eve of his recall to France:

Cooper closed by proving all I wanted and more too. Here it is due to Mr. Cooper, that I should give you an extract from his letter to me, announcing his victory:—

"I have deferred writing you, until I had the decision of the arbitrators; I have just got it. The eight controverted points are all decided in my favor. * * * * * * * Thus you will perceive I have moved slowly and surely, and have made the truth triumph and prevail."

And, my fellow countymen, let me assure you this was all gratuitous. Although I have frequently insisted upon his receiving some reward from me, for his disinterested defence, he has refused to accept one farthing. But, as in the case of Mr. Clay, I hope I may be enabled to give something more acceptable than money.

* When I left Norfolk to join Gen. Bernard in the coast survey, I embarked in a small *perearga*, or boom foresail schooner, heavily laden with cedar, wines, birds, &c.; not having any other opportunity to suit my immediate wishes. During this voyage an accident occurred, which, had it not been for the efforts of a brave and affectionate tar, would have brought me to my last account. One morning, the sea being boisterous and running high, I took a seat on the davit projecting from the stern, and to which the stern boat is hoisted. In one of the schooner's heavy plunges this davit gave way, precipitating me overboard. I was soon carried out of the sight of all on board, and was given up as gone by all but the tar above alluded to, who determined to go where I was last seen at any rate. Accordingly he descended to the bow of the boat, she hanging by the tackle from the stern, and made a rope fast, came up on deck, hauled it taught, cut the after tackle, when the boat lowered and swung by the bow. He descended into the boat, accompanied by another hand. The sea running high, the passengers, (being nearly 30 on board), endeavored to dissuade him, and that it was useless to risk his life. The other man who was with him, being in the act of climbing up again, the noble tar reached up and cut the rope over his hands. The boat being full of water, with their hats they bailed it out. Previously to this one of the passengers had thrown a piece of the white cedar to me, about 10 feet long and 12 inches through, of which I laid hold—commenced and pulled off all my clothes except my shirt which I tied round my body with my handkerchief below; seized the timber, placed it under me and put before the wind, and went off at the rate of about 2 miles the hour, endeavoring to get to leeward of the vessel. My strength soon began to fail me, but yet the heart was strong. It seems in splitting this log the axe had changed its direction, and enabled me to place my hand between the split and the log Being at the season of the year when

Philadelphia, Dec. 3d, 1823.

Dear Captain—

The pledge of national gratitude for great naval achievements has become in my hands a pledge of our mutual friendship. If your glorious deeds assign you an elevated rank among American heroes, whose courage and genius will be handed down to future generations, your generosity of soul assures you a distinguished place in the hearts of those who are honored with your friendship.

The *fac simile* you presented me with, shall perpetuate in my family your heroism, and also my feelings of gratitude towards one who with such noble generosity welcomed me when I landed on the hospitable shores of freemen.

Continue to me, dear captain, all your friendship, and accept of all the expressions of the high esteem of your much thankful friend,

BERNARD, *Brig. Gen.*

Capt. J. D. Elliott, U. S. Navy. [G.]

My next duty was an order to the coast of Brazil and Buenos Ayres, in the Cyane. Here many difficulties in regard to our commercial rights were settled. For further particulars of my cruise on the coast of Brazil I beg leave to refer you to my biography by Russel Jarvis, and Congressional documents of '29 and '30, [H.]

I returned, after the adjustment of the Brazilian difficulties, to the United States in '27, and in '29 was appointed to the command of our forces in the West Indies and Gulf of Mexico. On my arrival at Pensacola and my assuming the command, I found a letter from my old friend, the Hon. Joel R. Poinsett then resident minister at Mexico, addressed to *the officer in command of the West India forces, be he who he may*, stating the difficulties by which he was surrounded at Mexico, and the necessity of a demonstration of our squadron at Vera Cruz. I immediately proceeded there with the Falmouth bearing my penant, the Peacock and Shark; and soon after Capt. Connor appeared in the sloop of war Erie, with a messenger on board to the American Minister at Mexico. I despatched the messenger, with information to Mr. Poinsett of my arrival on the coast, and that if, in the event of his deeming it necessary to depart from Mexico, he believed his person in

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usual to transport mocking birds from the south, they were afloat, and the last recollection I have was brushing one off my head. This gallant tar came to me when life was about to be extinct, picked me up, and brought me back safely to the vessel. Such was my state that for two hours, I had not then, nor have I now, the most indistinct recollection of any thing that passed. Proper applications were made by the passengers and master, and I disgorged the water I had swallowed, and I do assure you that I have never placed my hands in a basin of water since without thinking of that scene. For a more detailed account I refer you to the New York papers of that period.

In passing through life I have sometimes met with these numerous passengers, for they were most generally of Norfolk, Petersburg and Richmond, Va. They have approached me as if risen from the dead. My feelings inclined strongly towards this gallant tar and I wished to provide for him for life; took him to my friend Com. Chauncey at New York, but on my return from the north I found he had left the Navy Yard. Since then I have not heard of him.

danger, I would come up with a portion of my officers, and form his body guard. He replied that he could not say he was endangered, but that he would be happy to see me at Mexico. Such being the only circumstances under which I could part from my squadron, I declined the visit. He informed me of his intention to come down to the squadron by Halappa and Orezaba, and subsequently apprised me that those most inimical to him, were on that route, and that he would join the squadron at Tampico, and come to the coast with an escort. I proceeded thither, took him on board and brought him to the United States, placing him in a steamer off the mouth of the Mississippi near New Orleans.

Previously to my leaving the coast of Mexico, I accepted through our consul, Mr. Taylor, an invitation to dine with Gen. Santa Ana at his *hacienda* or farm, called Manga de Clavo, 15 miles from Vera Cruz. We arrived late, and found a party of about 50 seated at a long table, an old priest at its head with a large pile of doubloons before him, playing at the game of *monte*. Santa Ana was seated on the left of the priest, and the balance of the party arranged according to their respective grades. I was informed that a seat was reserved for me on the right, and was asked to put myself entirely at my ease and *bet as high as I pleased*,—the higher the more acceptable to the banker. I answered that I was rather too old a soldier to engage in a game I knew nothing about. Accordingly I withdrew to another apartment, and enjoyed the society of Mrs. Santa Ana and her two sisters; making myself comprehensible by a smattering of Spanish, French, Portugese and Latin, mixed and jumbled together. I remarked to the lady of the General, that since her husband had closed the war of Independence at Tampico, like our Washington, I presumed she might calculate upon his continued society at home with her. "Oh, no!" she replied, "the general loves war better than me!"

The whole party were so entirely engrossed in their game, that it seemed to me they almost forgot I was there. In the afternoon we were seated at a rich entertainment, enlivened with much sentiment and music; for in Mexico a person seldom moves without a guitar at the side. The day shutting in, we took leave of the General and his company, with a pressing invitation that he would come down and dine with me on board the Falmouth at the island of Sacrificios, and in sight of Vera Cruz. This he declined on the ground that his enemies were in possession of Vera Cruz, and that he would feel his head insecure in that town. He however assured me that we would certainly have another meeting before I left the coast; and having named the day and place, we assembled with a few friends, and dined pleasantly together.

During my command on the coast of Brazil, two American vessels were seized by the authorities, for violation of the blockade. I immediately addressed a letter inquiring upon what pretext these vessels were detained. The reply of the vice admiral was polite and satisfactory, and the vessels were released. After my letter of April 3d, to Admiral Lobo, instructions were received from the government by me, which would tend to alter the tone of my proceedings in a similar contingency, and therefore when the Armstrong and Pactolus were seized

by the Brazilian authorities, I merely addressed the preceding letter of December 26th, to ask an explanation of the capture of the two vessels. The vice admiral being timid perhaps, at once released the vessels, and wrote a long communication; but my instructions superceding the necessity of any further consideration of the points at issue, I politely closed the correspondence.

Having returned from the West Indies in '32, and whilst at anchor in Hampton Roads, I was apprised of the *servile* insurrection in Southampton County, Virginia, and my aid was asked by the civil authorities in quelling the disturbance. Accordingly I ordered a force of 100 seamen and about 60 marines, under Capt. J. S. Newton of the U. S. sloop of war Natchez; and proceeded myself with the fleet surgeon Dr. Cornick. We arrived in time to succor the terrified inhabitants, who were assembled at Jerusalem, in such numbers, that they were obliged to sleep in the stables and out-houses.* Here an intrepid act of gallantry occurred, which is well worthy of record. The hero was a youth of less than 13 years of age, the son of an aged and diseased gentleman of Southampton, Dr. Blount, who could not be removed to a place of safety on account of his extreme illness. His little son, the lad spoken of, assured his aged and infirm father that he, with the overseer and his two sons, could defend him; and accordingly when night came, he barricaded the doors, opened the windows, gathered all the arms he could about the house, consisting of a few old pistols, &c. and awaited the attack. About 2 o'clock in the morning, the insurgent negroes to the number of 250, well mounted and armed, rode up and were in the act of dismounting, when the little fellow commenced a slow and steady fire upon them, which had the effect to intimidate them; and they went off leaving their dead and wounded on the ground. It was the last attack the negroes made.

Whilst Gen. Eppes was relating this conduct of the lad to me, I asked to see him, and found him to be as modest as he was brave. And here I will remark that in all my experience of disciplining men, I have invariably found modesty and courage to go hand in hand, as effrontery and cowardice are ever united. Some time after, when in Washington, I related the daring of the lad to that old Roman, Gen. Jackson, and procured for him a midshipman's warrant, and a situation in the Military School, at Mount Airy near Philadelphia. He remained there two years, when having been prepared for sea, he embarked as a midshipman with me in the sloop of war Fairfield. That lad is now Lieut. S. F. Blount; and holds, deservedly too, a high reputation in our navy. He has acquitted himself with honor in every station. He was with the exploring expedition to the south pole, and has discharged many other important offices.

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*After I had informed the Department of the part I had taken in the Virginia insurrection, I received the following letter from John Boyle, Esq., acting Secretary of the Navy:

NAVY DEPARTMENT, September 1, 1832.

SIR:—I have received your letter of the 28th ultimo, explanatory of the aid afforded by the naval force under your command, on the call of the civil authorities in con-

Soon after the Virginia insurrection, I again returned to the West Indies, where I contracted a disease of endemic fever, rendered additionally severe by exposure, when relieving my ship from a hazardous situation in the Gulf of Mexico. * On my return home and while seeking health in Carlisle, Pa., I was apprised by government of the Nullification difficulties in South Carolina, and was requested to say whether

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sequence of the recent insurrection in Southampton County, Va. I have submitted your letter to the President of the United States, who has desired me to state to you that the promptitude with which the aid was rendered, and the cheerful and humane feelings exhibited in the execution of the duty, are highly creditable to yourself and to the officers and men under your command, and he requests that you will be pleased to receive for yourself, and present to the officers and men, an assurance of his cordial and entire approbation.

I am, very respectfully, &c., &c.

JOHN BOYLE,
Acting Secretary of the Navy.

Com. J. D. Elliott, Comdg. West India Squadron, Norfolk, Va.

The following is an extract from the Message of the Governor of Virginia on the same subject:

"I feel the highest gratification in adding that the readiest aid was afforded by Commodore Elliott of the United States Navy, and a detachment of sailors from the ship Natchez under his command, who, notwithstanding they had just returned from a long and distant cruise, repaired to the scene of action with highly creditable alacrity."

*The following anecdote connected with this ship in the West Indies, is given to illustrate the feelings or prejudices, as they may be termed, existing among all classes and ages in our country.

My only son Washington being much addicted to rheumatism, and having rather a refractory spirit something like his father's when at the same age, so much so that he transgressed his mother's rule with almost impunity, I resolved on giving him a quarter-deck set, for the purpose of bringing him to proper obedience, as well as to cure his disease by a change of climate. He soon yielded to the ship's discipline. The day we embarked, I purposely kept his back toward the ships; and when the boat winded near the vessel, he made this emphatic remark, "Lord pa! what ropes, logs and sticks are there." Deeming it necessary to be in the Island of St. Domingo, I anchored at Port au Prince, with the Falmouth, Erie and Shark, and after the ordinary salutes I was visited by hordes from the shore, black and mulattoes, and soon found they were possessed of all the aristocratical notions of the whites; lines of demarkation were drawn, the blacker the hue the higher the grade. I was given to understand that it would not be expedient to mix them at table, and consequently, I had to have different entertainment days, the blacks being the first. The entertainment being over, and night coming on, the company departed. In the evening Washington came into the cabin and thus rebuked me for eating with the citizens of St. Domingo: "Well as soon as I go home if I dont tell ma, you have been sitting down at the table and eating and drinking with a parcel of black niggers." Making it a rule wherever I went to leave the strongest impression behind, useful to my countrymen there and at home, I interchanged civilities with the authorities on shore. On the first of January, being the anniversary of their independence President Boyer, and Gen. Inginac, his prime minister, made a dinner at the Government expense for me, at which were all the authorities, civil, ecclesiastical, and military, and a sumptuous entertainment it was. In the midst of it who should hop in but Capt. Trafusus of the Sloop of War North Star, of the British Navy, who had just dropped his anchor in the port, and was hurriedly sent for to be present at the entertainment. He was seated on the left of Gen. Inginac, and I upon the right. By this time my boy Washington had become pretty well familiarized, and I found him in another room regaling himself in company with Gen. Inginac's sable daughters. Each time I caught the British captain's eye, I thought I could detect a feeling such as Washington evinced in his rebuke to me on board the ship

it would be agreeable, and was then ordered, should I be pleased, to proceed to the command of the naval forces at Charleston in that state. For the incidents of that service I refer you to the Congressional Documents and my biography by R. Jarvis. Of the final issue of this painful affair you are well informed, and no necessity is felt to refer to it in a more particular manner. The matter having been adjusted, I was appointed to the command of the naval station at Boston, afloat and ashore. The firmness of the President in the South Carolina affair, and the part assigned me in it, secured us both a high standing among the people of Massachusetts. Gen. Jackson became the guest of this state by invitation of the legislature; and the time of his visit I seized upon, as an auspicious season for bringing the trophy of the nation, "Old Ironsides," into the cradle which was originally built for her reception. On this occasion, there were on board of her, the President of the United States and his Cabinet, His Excellency the Governor of Massachusetts, my estimable friend, Joel R. Poinsett of South Carolina, and last not least, Commodore Hull, the man who first broke the charm of British naval invincibility on the ocean,—together with such officers and men, as had participated in the various battles, in which that noble frigate was engaged. Thus you will see that I had four important emblems of the old vessel's glory!—Jackson the hero, who had but a short time before declared, that the "*Constitution! it must and shall be preserved*,"—the Hon. Joel R. Poinsett of South Carolina, the state in which her timber grew—the Hon. Levi Lincoln, of the commonwealth in which she received her architectural construction—Comm. Hull, and the brave officers and men who had gloriously sustained her, amid the battle's rage!

And now my fellow townsmen, while speaking of my career at Boston, I feel that I should not pass it by, without a few remarks explanatory of the great excitement in respect to the *figure-head* of Gen. Jackson, which I placed on the bow of the Constitution frigate. It will be remembered by you all that it was the occasion of much excitement, and the cause of much bitterness and political persecution towards me, on the part of many who did not calmly weigh all the circumstances. Let me, however, tell my story, after a sailor's fashion. When in the Mediterranean, in extreme youth, I saw this venerated ship, just after one of her engagements at Tripoli, when the head of the figure of Hercules had been shot from her bow—her appearance then, made a strong and enduring impression upon my mind. After I went to Boston, where the Constitution then was, her bow decorated with a *billet head*, I received orders to repair her, as "*she originally was*," and the impression being still upon my mind of her mutilated figure of Hercules, when in the Mediterranean, in obedience to instructions, I proceeded to have a figure made of that classic hero. I engaged an artist for the purpose, who was actually at work at the figure, when I was frequently and earnestly importuned by prominent citizens of Boston, to place the head of Jackson, instead of that of Hercules, on their favorite ship. To these solicitations I finally yielded, and went to the artist, and asked him if he could change the head to a likeness of Jackson. He said he

could easily do so, and was so delighted with the idea, that he proposed doing it for nothing. Subsequently however, political feeling running very high against Gen. Jackson, for his act of removing the deposits, matters assumed another aspect in Boston, and every attempt was made to prevent, the head of the old Roman from going on the Constitution; even by those, who had at first suggested it.* In truth, such was the

* I have been branded about as a brawling politician of the worst kind. This is equally false, with the other charges against me. It is true, I follow the rule of the father of his country, Washington! *I vote* and *fight* for my country, both with a becoming dignity, and always the Democratic ticket. I am a republican, as I before said. The principles of my faith were drawn from a mother's nipple, and a father's counsel. As in the battle of Lake Erie, I am the *Amy Dardeu's horse* of John Randolph, and I have been almost rode to death. At Boston, a noble citizen at one breath, swept from the halls in which liberty was cradled, myriads of insects, who were nearly of the same species, and as numerous, as the gally-nippers of the South; but they were dispersed with more ease. A town meeting had been called to express an opinion on the propriety of the removal of the deposits from the U. S. Bank, and when about to proceed to business, a noise commenced by the knocking of canes on the floor, to a deafening extent. Business stopped; the moderator suggested the propriety of order, and to send for the Mayor. "Oh no!" replied his right-hand friend, "be still a moment;" and beckoning to one of his friends, he said, "Go and get a piece of chalk, and about twenty persons on whom you can depend, and every person you find moving his right arm, when we commence business, *mark him!*" All the offenders were marked. "Now bring in about one hundred strong-fisted and true men, and if the doors do not give way, throw them out of the windows." In a few moments all became quiet, and business progressed. Not so without, for there was a full representation of our revolutionary army, "all tattered and torn," rendered so by the rough handling received from the one hundred sturdy peace-makers. Next day a number of mechanics came to my office, to say that their names were stricken from the rolls, and wished to know for what cause. But I was as ignorant as they in the matter, not knowing of the scene the evening before. I sent for the chief architect, to know the cause of the carpenters not being called, as usual. "Commodore, I don't want politicians in the yard." "What have politics to do in this yard?" "They were at Faneuil Hall last night." "Well, what of that?" "Did'nt you hear about it?" "No." "Why sir, the merchants' clerks of Boston, were all stripped naked, by these and other men, and thrown in the street." "For what?" "Making a noise, while the Democrats were resolving about moving the deposits." "Did they?" "Yes." "That's good, and by heaven they were served right. Is that all you have against the men?" "Yes." "Then take them back—I'll have no politics in the yard. I want their labor. They are to obey my rules while within; when out, they are amenable to the laws of the country—not you." "Then, sir, if they come, I'll go." "Send me your resignation, and I'll forward it to Washington by next mail." Delaying my letters, I sent for his. He came to me to say that he had been wrong; to pass over all that had happened, and all would be well. I did so, and all proved well. After this the work went on better, and I had no trouble. Next day the Boston Atlas charged me with sending my marines over to Faneuil Hall, and that 'twas they that did this deed. I sent my secretary, (Mr. J. E. Dow,) to the editor, (Mr. Houghton,) and demanded an immediate recantation; which was done in the paper of the following day. Here the war commenced; and let me do what I would, fair or foul, up to this day, I have had a printer daubing his black ball in my face. Hence, I may trace a portion of my troubles to the act of that gentleman in Faneuil Hall. My case being now in the hands of my fellow-countrymen, and they in possession of good cleansing materials, the printer's black will all be rubbed off, and I come out completely washed.

My friends, I am a republican. It has fallen to my lot, when abroad, to encounter and entertain kings, princes, and nobility of all grades; and although their best attention and luxuries were bestowed upon me, my heart fondly cleaved to the land

state of feeling, that I was frequently threatened, anonymously, with personal injury, and even my life was declared to be in danger, by placards posted throughout the city. At this stage of matters, I wrote to the Secretary of the Navy for instructions, and was referred to the Board of Naval Commissioners. From them I received an answer, of which the following is an extract:

"Presuming you designed it as a compliment to the President of the United States, you are at liberty to place it on the Constitution, or put it away, for one of the ships of the line, whichever you please, believing the latter most appropriate."

With this permission, and knowing the excitement to be entirely the result of political animosity, I determined to proceed with the original design, and accordingly had the head of Jackson executed and placed upon her bow, and so unbounded and vindictive was that hostility towards the very President that only a brief time before, they had exalted to the third Heaven, that in a letter received by me, the threat was made, that if I did not take *his name off the Dry Dock*, I should not live forty-eight hours. The figure, however, was not long on the Constitution, before it was sawed off, on a dark night and at an unexpected moment, by some hired desperado. It was thought proper, after this *noble act of national pride and patriotism*, to remove her to New York; upon learning which, a portion of the citizens of Boston sent a messenger to me with a proposition that they would incur the expense of any thing I wished to place upon her bow, rather than let her go away in that mutilated condition. The matter was referred to the Secretary of the Navy, who directed me not to permit *a shaving to be taken from her, nor one added to her, but that on her arrival at New York, the proper repairs should be made*: and there accordingly they were made.

On their entire completion, I received on board the necessary supplies and men, and departed for Mr. Livingston, then our Minister at the French Court, and on a specified contingency, to bring him home.* In this voyage, my ship encountered one of those severe trials, to which

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where *nature's* princes and kings reside; I mean the yeomanry of our land—the Farmers. I am endeared to them more, too, from the fact that when I was residing on my little farm in the valley, they came from their own ploughs, and taught me how to guide mine, and thus, at the age of 55, earn a livelihood for my family, while I suffered under the sentence of my peers.

* After I landed at New York with Mr. Livingston, he addressed the following letter to me, accompanied by a valuable gold snuff box:

U. S. Frigate Constitution,
22*d June*, 1838.

Dear Sir—Men whose minds are properly disposed, seldom remember the good offices they take so much pleasure in performing. To counteract as far as possible this propensity, in which you might be apt to indulge, I pray you to accept a trifling memento which may recall to your recollection the kind attentions which I and my family received from you, while on board the Constitution under your command. With it I pray you to receive the assurances of my highest esteem, and of the sense I shall always entertain of your unceasing endeavors to render our passage agreeable. Your friend and most obedient servant,

EDW. LIVINGSTON.

vessels are sometimes subject, and we came near being wrecked. An interesting detail of this event, will be found in the Democratic Review, entitled, "Old Ironsides on a Lee Shore." [I.] Subsequently to this, I proceeded to the Mediterranean, to the command of our naval forces—there pending at the time, an expected war with France, for the particulars of which, I must refer you to the journals of the day. I will remark here, that a too lax discipline in the navy, brought me in contact with some of its unruly spirits, many of whose relatives at home were not idle in traducing me during my absence. I will give one case. Conformably with the rules of the service, a commander is authorized to give leave of absence to his officers for one week. This leave was asked and granted by me, to Passed-Midshipman Charles C. Barton. On his return to the ship, he handed me a letter for the Secretary of the Navy, and asked to be detached from the Constitution and to be permitted to remain on shore. Understanding this to have arisen from a desire to renew the marriage contract with a young lady from whom he had been divorced by the Legislature of Pennsylvania, I merely endorsed upon the letter, "Perhaps the young gentleman had better make his cruize." His request was not granted, and he was accordingly compelled to proceed to sea in the Constitution: and because of his disappointment, assumed an offensive bearing towards his commander. On our arrival at the Island of Minorca, he struck my clerk and blackened his eye. On learning that it was the intention of the latter to call him out, I informed him that I wanted all the blood in the ship for the nation, and if the meeting was had, I would certainly dismiss him. Both of the young men having pledged obedience, were permitted as usual to visit the shore. Shortly after this, when in the Grecian Archipelago, off the Island of Siregó, and when walking the deck of the Constitution, I was accosted by one of the crew, who asked permission to speak to me. Supposing it to be a matter connected with the discipline of the ship, I referred him to the First Lieutenant; but the anxiety of the man was so great, that I granted him a hearing. He asked me if I allowed the midshipmen to run their dirks into the men! I told him by no means, and enquired who had been guilty of such an act. He said that passed-midshipman Barton had done so to him, at the same time opening his clothes and showing me the wound. I immediately ordered enquiry into the case, and found that for the most trivial cause, Mr. Barton, in the height of passion, had stabbed the poor fellow. For this act I suspended him from duty. So IN MANY INSTANCES, WHEN, ON ENQUIRING INTO DIFFICULTIES BETWEEN OFFICERS AND MEN, I HAVE FREQUENTLY FOUND THE FORMER DESERVING OF MORE CENSURE THAN THE LATTER; and hence, frequently in my efforts to have justice done to an honest tar, I subjected myself to the malice and revenge of his superiors in grade of office.

Some time after this, when at Smyrna, the commander of the U. S. schooner Shark made application to me for a passed-midshipman, and believing that the crew would be glad of the removal of Mr. Barton from the ship, I gave him an order to the Shark, with instructions to the commander, not to allow him to go on shore—fearing a duel between him and my clerk While on board the Shark, Mr. Barton got into a difficulty with an officer of extreme youth, which was resented on the part

of the latter, by another officer. A duel was the consequence, in which Mr. Barton was wounded and incapacitated for duty; and this too, while in charge of a boat on shore for water. I was absent from my ship at the time of this affair, and on my return was informed of it by the first lieutenant. I expressed my astonishment at the occurrence, since I had given positive instructions, for prevention in the other case, that Mr. Barton should not be permitted to go on shore; and also made known my determination to put a stop to these matters. I considered the great impropriety of such conduct, situated as we were, in the port of a monarchical government, and surrounded by the naval representatives of four others, and I determined to treat the offenders in such a manner as to be likely to prevent the recurrence of similar misconduct. Accordingly, I gave orders to send on board the Shark, to ascertain how he was, when my lieutenant informed me he was on board my ship. I asked him how he came there, and learned that his doctor had brought him along side, and that the fleet surgeon thought it necessary he should be taken on board to have his wounds dressed. I then observed, "Send him on board his own vessel; for I am determined they shall not fight and then come to be nursed under my pennant." It was accordingly done, in the most careful and cautious manner, taking our largest boat for the purpose. Three days after, his surgeon came on board to inform me that his wound was of such a character, that it was necessary to remove him on shore, where he could be in quiet; the fleet surgeon concurring in opinion, I therefore detailed our largest and best boat for the purpose—ordered the fleet surgeon to accompany him, and the best quarters that could be had in Smyrna procured, together with a servant to attend him, while the ship was in port, and also that the surgeon of the Shark should frequently visit him. Whilst Mr. Barton was on shore, the commander of the Shark complained to me of the frequent absence of the surgeon, but instead of limiting his visits, I gave him the privilege to go and see his patient as often as he pleased. The period arriving when I believed the two governments, France and our own, to be waxing warm, on the points of dispute between them, and being surrounded by the squadron of the former nation—the Turkish government doubting the strength of its fortifications and the good faith of the French admiral on the point of neutrality, I deemed it necessary to leave the Mediterranean with my whole squadron. In view of which movement, and the situation of young Barton, I sent for the purser of the Shark, instructed him to pay passed-midshipman Barton up to the time of our departure, and leave two months in advance, in the hands of my old and esteemed friend, David Offley, consul at Smyrna, together with instructions, that should he be detained longer than that sum might cover, a further letter of credit for each monthly pay would be given. I also instructed Mr. Barton to join the squadron when his wound was sufficiently healed. The surgeon of the Shark deemed it essential that such articles of the medical department of that vessel as Mr. Barton's case required, should be left for the purpose, to which her commander objected. I however ordered it to be done, and gave instructions that on our way down he should communicate with Malta and obtain a supply. *(See statements of Surgeon, Purser and Commander, on file in Navy Department.)*

I now instructed the commander of the Shark to proceed to Mahone; charter merchant vessels; take on board provisions for the squadron for six months and bring them to me, at Gibraltar, or such other port as I might be at; where I should direct my whole squadron to rendezvous at this interesting epoch. I hastened to Gibraltar, and was there informed, that being from a port where contagious disease prevailed, intercourse could not be had with the shore. I asked permission to ride out any quarantine they would name: this was also refused; when I immediately repaired to Lisbon, where I had the whole ocean open to me, and where one tide would bring me on it, in the event of war with France. Here I took six months supply of provisions, and enjoyed the hospitality of that port until the difficulty with France was settled. During my stay here, I determined to adjudicate the affair of the duel by Court Martial. I put on trial one of the principals (Mr. Barton not being with us,) and the two seconds. I did this, my friends, not solely on account of the duel,—for it has ever been a rule with me, that he that will not defend his own honor is but a poor keeper of the Nation's,—but for the act of disobedience to orders. The specific charge was that of engaging in a duel with an officer when on duty and on shore. The court found a true bill against each. The principal, for this and other offences, was sentenced to be dismissed the squadron; and the two seconds to be publicly reprimanded on board of all the ships in the squadron, by a general order. I took this opportunity for promulgating sentiments, which, whilst they guarded the honor of the officers, would prevent like occurrences.—[*See Trials, General Orders, and Papers, on file in the Navy Department.*]

Subsequently, in a communication to Mr. Offley, I requested him to state to young Barton, that when his wounds enabled him to do so, he could join his vessel at Malta, where she would touch and receive him on board. However, Mr. Barton, knowing what would be his fate on meeting me, since the others were tried, chose to embark for the United States in a small American vessel, in the dead of winter, passing Malta and Mahone, at the latter of which places I was then lying. He crossed the Atlantic and came to Philadelphia, where he and his friends lost no time or chance in their efforts to injure me by way of publications through the newspapers; and evinced no shame in making false statements, to impress the public with the opinion, that I was a monster in human form.

Having returned to the United States myself, after a long and arduous cruize, I was apprised by a friend, Dr. William Holland, Editor of the "Times," of an attack to be made on me simultaneously by the press of one party throughout the country. I found, by painful experience, that the intimation was too well founded in truth. On joining my family, for repose and comfort, after my late tedious cruize, I was informed that a beloved wife had received numerous anonymous letters, mostly from Philadelphia, and of such a character as precludes a further mention here.

A vicious minister of state, giving countenance and encouragement to the designs of my enemies, seemed to urge on the attack. Congress was flooded with denunciatory complaints against me; and in defence of my reputation I chose a friend, the Hon. Levi Lincoln, of Massachusetts, to meet my assailants there,—he having in possession my own communications and the records of the Navy Department:—and he did defend me

most effectually, so far as the exhibition of documents could go; for speech was denied. Inflammatory addresses were made there against me, not only in relation to my conduct in the Mediterranean, but upon my connection with the delicate subject of Nullification, and various other matters, including even the battle of Lake Erie, fought upwards of a quarter of a century before, and my friends were denied the opportunity of saying one word of defence. One, however, a good and true friend, and highly worthy man, did, after long struggling, obtain the floor, and being possessed of a full knowledge of all my points of defence, vindicated me, notwithstanding the attempts to interrupt him, in an able and masterly manner—hurling back upon my enemies the arrows aimed at me.—[*See Reporter's speech of the Hon. Chas. McClure, now Secretary of the Commonwealth of Pennsylvania, published in the Globe.*]

I had now supposed the subject, with all persecution, was at rest; but I was doomed to be disappointed. My friend, Governor Lincoln, of Massachusetts, informed me, that Charles Naylor, of Pennsylvania, had seized the opportunity of a thin house; and my advocates being absent, had succeeded in procuring the passage of a resolution, by *one vote*, for an examination of my conduct in the Mediterranean, and that a committee had been appointed for that purpose. Providence seemed to guard me; for the Hon. F. Mallory, of Virginia, and the Hon. C. McClure were placed on this committee; the former of whom, when a youth, had been given to my protection and care by his father, then on his death bed, asking me to take charge of him when in the Navy, as he had previously designed placing him there. He was received into the service, but afterwards resigning, he studied medicine, married, and finally stepped into his father's political shoes. He was elected to the State Legislature, and afterwards to Congress, in time for the committee alluded to, and to see justice done me. A motion was made in the committee to invite me to be present and examine the witnesses, of which I was apprised by its chairman, Mr. Naylor. I answered him that I respectfully declined appearing before them, preferring that the young gentlemen should tell the story of their supposed wrongs, unembarrassed by the presence of their commander. Soon after I was informed by the chairman of the committee, that for want of time they could not proceed with the examination, and that they had been discharged. I then concluded that I would ask an investigation of the two principal complaints, viz: that of Passed Midshipman Barton, and the one of Lieutenant C. G. Hunter; and accordingly communicated my intentions to my two friends, the Hon. J. R. Poinsett, and Commodore Chauncey, both of whom endeavored to dissuade me from it, at the same time declaring that I was guiltless and completely triumphant. But believing that an officer of rank in the Navy, should be like Cæsar's wife, above suspicion, I insisted upon the Court of Inquiry, and a communication to that effect was handed to the Secretary of the Navy by Commodore Chauncey. An answer was returned by the Secretary, Hon. J. K. Paulding, that so soon as the necessary preparations could be made, my wishes should be gratified. —[*See letters on file in the Navy Department, applicable thereto, and procuring of the Court of Inquiry.*]

You may judge of my surprise, my friends, at the receipt of a precept embracing every thing that could be raked up in the Navy Department

against me, together with instructions to the Judge Advocate to examine the stated allegations, and then my conduct during the years '35-6-7-8 & 9; and when I learned too, that there were 130 witnesses ready to report. It was a course of procedure without a parallel in our own or any other Navy in the world! I however submitted, and appeared before the court, at Philadelphia, in due time. The court being formed, and the precept read, that highly gifted and just officer, Commodore Stewart, being President, perceiving the illegality of the proceedings, moved the return of the precept to Washington for reconsideration,—the two junior officers, however, dissenting therefrom. The matter being referred to me, I requested my counsel to state that I was not there the suppliant for mercy; and further, that I challenged the most unlimited investigation into my whole life, from the day I entered the Navy, and particularly as regarded the battle of Lake Erie. The latter subject, however, was ordered not to be touched. The trial proceeded, and as it advanced, the Judges, at various times, informed my counsel of their entire satisfaction on different points, and that it was unnecessary further to question the witnesses as to myself. On the close of the enquiry, we naturally considered the matter as having resulted in my favor.*

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* PHILADELPHIA, 10th JANUARY, 1840.

Dear Sir:

Permit me to ask whether, during the proceedings of the late Court of Inquiry into the conduct of Commodore Elliot, you were not given as his professional counsel, distinctly to understand, by the court or its members while in Session, that there were certain of the charges as to which it was unnecessary that any thing further should be said, creating in your mind an entire confidence, that in reference to those charges the proof and explanations were deemed such as to acquit your client of all blame.

As I have reason to think such were the facts, and that its precise ascertainments may be of importance to Commodore Elliot, you will greatly oblige me by numerating the charges in relation to which it occurred.

I am truly and respectfully, dear sir, yours,

JOSIAH RANDALL, ESQ. G. M. DALLAS.

PHILADELPHIA. 11th JANUARY, 1840.

Dear Sir:

Yours is received. During the sitting of the court of inquiry on Commodore Elliot, my recollection is that Commodore Stewart, the president, said publicly that they had heard enough in relation to the charges brought by Lieutenant Hunter and Midshipman Barton; the other two members were present, and tacitly acquiesced, or at least expressed no dissent. Captain Biddle made a similar remark in reference to the complaint of Dr. Washington. At the time I certainly understood the remarks in each case to convey the idea that they were satisfied as far as Commodore Elliot was concerned. I was then and still remain of the opinion that every member of the court was convinced there was no ground to send Commodore Elliot to a Court Martial, so far as the charges of Lieutenant Hunter and Midshipman Barton were the subjects of Inquiry. If I am wrong a reference to the surviving members of the court will correct the error.

The law of Court Martial (as I understood it,) requires, that where two or more charges are the subjects of enquiry, the court of enquiry shall specify and state distinctly "*upon what one of the charges the accused shall be tried.*" This doctrine is so reasonable that I should think it did not require authority to sustain it; if it does, it is at hand. Captain Hough, (a writer of the highest authority,) in his treatise on the practice of Courts Martial,) 2d. edition, page 28, revised and corrected by George Long, Barrister of law, recognizes this principle in the most unqualified manner. Whilst the court was in session, I handed this authority to Commodore Patterson, and he assented to its position. I subsequently referred the judge Advocate to it. Any one who examines the record of the examination of the witnesses, will I think, perceive a difference in the views of the two junior members of the court, as to particular charges, and I believe, if the members of the court had voted on each charge, the finding of the court would have been very different from what I have been informed it is.

Yours, &c.,

GEORGE M. DALLAS, ESQ. JOSIAH RANDALL.

The court having terminated the examinations, the two junior members and Judge Advocate drew up a summary of what they called facts, and upon which I was recommended for trial by Court Martial. From this the President dissented: preparing an exposition of all the circumstances, &c., and placing them in their right positions: setting forth that I had conducted my command with fidelity, zeal, and ability, and that a Court Martial was not called for. Having seen the "alleged facts" of the two junior

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PHILADELPHIA, 11th JANUARY, 1840.

Sir:

As the present counsel of Commodore Elliot permit me very respectfully to submit for your consideration before the charges on which he is to be tried by Court Martial are definitely prescribed, the endorsed correspondence between his former counsel, Mr. Randall, and myself.

If, as cannot be doubted, the statement of Mr. Randall be correct, I do not think I rely too much upon your discriminate sense of justice, in presuming, that Commodore Elliot will not be again subjected to those charges in relation to which his counsel was in the course of the investigation, officially and formally told that his judges had heard enough. The natural and irresistible effect of such a communication was to arrest all further effort in the particular topics, and to create a conviction, that the court "was satisfied as far as Commodore Elliot was concerned."

I have the honor to be sir your most ob't serv't.

G. M. DALLAS.

To the Honorable

JAMES K. PAULDING, Secretary of the Navy.

Let us try the question by the simple rule of three, and take two of the charges to do it with, that of *accepting a present from my crew, and bringing home animals.* The President of the court in his opinion and votes was against a court on any one of the charges. Put then the question for the acceptance of the presents; the officer next in rank must have voted with him, else have handed both his *commisssion* and his *arms* to the *government*, for he had them in violation of that article of the constitution which forbids the acceptance of a present from any "*foreign power prince* or *potentate;*" having accepted a *sword* from the Vice Roy of Peru, studded on the hilt with most valuable pearl, and which he wore between the years '16 and '20, when that patriot Henry Clay, then advocating the South American question, compelled him to disgorge, and return it to the State Department, and it may now be seen in the National Institute. I proved to the Court Martial instances in the Navy without number, when presents had been tendered and accepted by many of our captains from their crews.

And now let us try the charge of bringing home animals, conformably with, I conceive, one of the wisest provisions of our government, and which is calculated to connect the Navy with the farming interests of our country, its bone and sinew, and the source from whence the Navy draws its nourishment. The President voted against a trial on this head. The junior member had brought home on one occasion a whole flock of sheep in the Constitution, and in the Delaware many *asses*, as also many other of our commanders, as also by the *President* of my late Court Martial; it is but natural to suppose those two charges would have been put aside; Barton's entirely disproved by subsequent evidence; fully acquitted on Hunter's; the canvass proved to have been purchased by Gen. Cass; the carpenter of the ship proved that I directed him to see returned all articles such as my servant got from the state room; and yet my fellow countrymen, I was consigned to four years ignominious punishment, and a portion without pay. Here my judges had but little knowledge of the natural bent of my inclinations; next the battle field the harvest is my home. One other point I have omitted. It is the case of Chaplain Lambert. The court acquitted me fully of this charge, and here let me explain the deception, he attempted to practice both on me and the court. He swore that the weather was violent and boisterous when he left for the Shark, and that he lost a portion of his baggage, leaving the inference that it had been washed out of the boat. One of the members, however, happening to be in the secret, asked him *how* he lost his baggage. The side boy dropped it over board in passing it from the Constitution to the boat. And this is the man sent to teach us the Holy Gospel; when this worthy clergyman was on examination before the court, it was said by the counsel questioning him, that respect to the clerical profession of the gentleman precluded any further questions, and the only questions put to him were "what's your age," and "when did you enter the service."

members, many months subsequently, I repaired to Washington, for the purpose of knowing the ultimatum of the Government. Convinced, from painful experience, that the Secretary had long been hostile to me, through causes which I need not here explain, I sought an interview with the President, stating to him the object of my visit. He asked me if I had seen the Secretary: I answered in the negative. "Why not?" said he: I informed him that it was a rule of my life not to be courteous to those who were not so to me. He asked if I thought the Secretary to be unfriendly towards me: I assured him that I did, and knew it to be so. He then stated that I was in error, and recommended me to see him: which I did the next morning. The Secretary received me with much apparent kindness: stating to me that he had understood I laboured under the impression that he was unfriendly. I answered that I did. He begged leave to correct me, and offered the assurance of his entire good feeling; but that they felt some difficulty in closing the matter. I then asked to make a suggestion: it was that the record be sent back to the same court, filled up by the addition of another member in place of the deceased one; that it should find a bill against whomsoever the record affected; and all that involved me I was prepared to meet: I further stated to him, that if he had thought of bringing me to trial, it was strange that my counsel, from time to time, should be apprised of the uselessness of any more questions on my part. He asked me if such was the fact: I assured him it was: "Then sir," said he, "call to-morrow morning." I did so: when he requested me to write a letter to my present counsel, G. M. Dallas, requesting him to address my previous counsel, Mr. Randall, to draw forth the facts and communicate with him directly. "Say nothing more" he observed, "to your friends in Congress, but leave the matter in *my* hands." To which I replied, "Take it."

And here, my friends, I do sacredly assure you, that I considered the whole matter as at an end. Judge, however, my surprise some weeks after, on the receipt of a letter from the Hon. G. M. Dallas, setting forth the fact that he had discovered that the Judge Advocate, J. M. Reed, was engaged, and had been for months, in the preparation of charges on which I was to be tried, and tried solely. I apprised the Secretary of my information, submitted a protest against the agency of J. M. Reed in any subsequent trial of mine; being prompted to do so from his unfriendly feelings manifested on the former trials. In answer, I received a letter from my *professing* friend, the Secretary, informing me, to my utter astonishment, that I must be tried, and J. M. Reed be the Judge Advocate. I thought then, and I think so now, that this same pretended friend had selected me to illustrate the odious picture which he had sketched of the American Navy, when he first entered it! But he has failed in his base purpose, and is now receiving the merited denunciations of those who constitute and sustain that important part of our Nation's pride and defence, the Navy.

I was accordingly tried; and I assure you that *justice* was never meted out to the veriest culprit that ever occupied that box, to as great a degree as *injustice* was awarded to me by that Court Martial. I know that it will shock your honest minds, and that you will be loth to credit the assertion, but yet it is true, religiously true, that I was purposely deprived of

the testimony of some of my most important witnesses, upon the ground that they were under sailing orders, and could not be detached from their vessels. I was directed to send my interrogatories after them, at their far-off stations, whither, in the mean time, they had sailed. I did so, but no reply was ever received. Since then these witnesses have returned to the United States, and in a great measure upon their very testimony, of which I was cruelly deprived when most wanted, I now stand before you, reinstated in my former rank in the service of my country; for which too, credit is due to an able and honorable minister of state, who had the moral courage to examine into the case, and render justice to the oppressed, by the cancelling of the unjust and ignominious sentence of the Court Martial, under which I had so long suffered.

The witnesses alluded to in the preceding paragraph were Purser Fauntleroy, Assistant Surgeon Egbert, and others. One of these gentlemen after his return, having been interrogated by a member of the above Court Martial, as to the evidence he would have given in the case, related what he knew with regard to the matter before the court, and what would have been the nature of his testimony. The member then gave him to understand, that had his testimony been before the court, the decision would have been different.

I beg that you will recollect that I had requested a trial on the two specific charges of Midshipman Barton and Lieutenant C. G. Hunter. On the latter one, I was fully and honorably acquitted by the court; but on the former was convicted, because of the absence of the two witnesses above alluded to, and upon the false testimony of Barton himself; while the documents detailing the circumstances of the attack upon the seaman, were rejected as inapplicable. Thus too, it will be seen by you, that while under the auspices of the Secretary of the Navy, aided by an artful and hostile Judge Advocate, one hundred and thirty witnesses, many of them turbulent and factious young officers, galled and envenomed by wholesome discipline, were arrayed against me by the Government, and detained at home that they might vent their concentrated hostility upon my devoted head; several of my most valuable witnesses, whose testimony would not only have turned the scale in my favor, but implicated some of the witnesses of the accusation in the foul charge of swearing to what was positively untrue, were not only unnecessarily, but as I do most conscientiously believe, were designedly sent to sea. However, the conspiracy to injure me was successful,—the dark purpose of the Secretary was accomplished, and I was the victim of his hatred. He had before libelled the service, and he now disgraced himself in endeavoring to cast still further wrong upon it, by persecuting one who had been devoted to its character and prosperity. His heart—if he have a heart—may be gladdened with a demon's joy, that he and my enemies were thus victorious! He and others may rejoice that they brought much of bitter and soul-rending anguish upon me and mine: and that around my hearth and fire-side, those near and dear to me were stricken with sorrow by the cruel award rendered against their protector! But let them rejoice and exult in vindictive malice over the smitten and oppressed! I would not intermeddle with their gladness upon their glorious triumph in crushing, through combined exertions, a solitary individual. Let them rejoice! Yet I will tell them that they have not entirely destroyed

their victim! He yet lives, with spirit unsubdued; with a heart which though it has been sorely wounded by injustice and wrong, beats not with one throb of an assassin's purpose, nor a coward's hate! Let them rejoice! Yet I will tell them, too, that in the gloomy day of my suspension, I had what they never had, and which their reprobate souls can never know—I had a conscience void of offence before that God who has given me strength to bear up against cruel wrongs, and that world which will do me justice. Such laurels as they have won in the mighty conflict of pressing to the earth a single man, no one will ever covet or attempt to take from them! They can well wear them in safety! But it is mournful to know that their children will have to inherit them with all their waving honors!

Turning from this painful subject to one more agreeable to my feelings, and which will afford some variety, it may not be uninteresting to you to call your minds back to my tour in many parts of Europe, Africa, and Asia. After our affairs with France were brought to a settlement, we found little other employment for a time than treading the shores of the Mediterranean, collecting animals, plants, curiosities, and any other valuables which might add to the improvement of our country in her agricultural and various other scientific branches, in conformity with a wise *statute* of our government to that effect. The ignorance which I afterwards discovered in high places with regard to the existence of this statute, astonished me, but did not change my opinion as respects the importance of improving the breed of *Asses*. I had noticed in my native country, much clumsiness and inelegance even in our carriage and saddle horses, and thought that by acting on the general rule of the Navy Department, directing the importation of seeds, plants, animals, &c. a few Arabian mares would tend to produce finer and purer breed of that elegant race of horses, especially among the more particular and refined of my countrymen. The asses which I imported were of the finest mould, with huge ears, almost lap-ears, but somewhat obstinate, wilful and stubborn. Yet they were beautiful and captivating creatures, and as I thought, were likely to be great favorites with their kind! Our native asses, however, regarded them as annoyances on board the ship, and intruders upon our shores, and looked upon them with feelings of jealousy. That they should endeavor, therefore, by all their arts and devices, to bring them into ridicule and disrepute among the species, was perfectly natural. Indeed, some of them, actuated by these powerful feelings, and operated upon, perhaps *miraculously*, as was Balaam's Ass of old, are said to have *spoken* and even *written* about their wrongs. Poor creatures! I never meant them any harm. But I must still prefer the Asiatic Asses!

In passing through Italy we landed at Leghorn; passed Perya, and thro' the vale of Arno to Florence, where we had an opportunity of inspecting the relics of the Fine Arts which have given so much celebrity to the Florentine school. Here we received the most kind attentions from the Grand Duke of Tuscany and his ministers. From thence we proceeded to Rome by Sciena, the Appian way, where we remained fourteen days, inspecting her mighty antiquities, and were received very cordially by the Pope, who felt thankful to me, as I understood from himself, for the part I had taken in protecting his proselytes of the Ursuline Convent, which was burned some years ago, near Boston, Mass., by a mob. From Rome we went to Civita Vecchia, and to Naples; visiting Mount Vesuvius and the ruins of

the partly excavated cities of Herculaneum and Pompeii, where we examined the streets, buildings, implements, jars, vases, amphitheatre, &c.-&c., which had been buried in lava and ashes by an awful eruption of Vesuvius, and also the remains of the bridge of Caligula, and the ancient city of Baia. Being satiated with these wonders, the contemplation of which fills the mind with astonishment at the mutability of human things, we continued our tour, and arrived at the island of Sicily, landing at Palermo, on the anniversary day of St. Rosaline, and found the whole population assembled to honor the spot where the saint is alleged to have appeared. The Viceroy being present, his entertainment took place, and was attended by hundreds of thousands of the people. I had for my attendant, as a mark of respect, the lady of the son of the Prime Minister of the King of Naples, who had been educated by an American governess at Paris. Her education, however, did not give her a correct idea of America, as will appear from the following incident:—In the afternoon, in company with many of her friends, she visited the Constitution. In the evening when the crew were at quarters, (it being my rule to have them mustered every evening,) I asked her if she had ever seen so many Americans together before. She inquired which were the Americans! I pointed to the sailors who were ranged along the deck in order. She then remarked that she thought they were English. I smiled, and asked her which of them she had taken for Americans, when she directed my attention to a dark *mulatto* near at hand.

We proceeded to the entrance of the Grecian Archipelago, to Argos, to the head of the Bay of Egina, to Corinth, and thence to Athens, anchoring in the ancient port of Piræus, being the first man-of-war which had visited that port in modern times. At Athens I was presented to Otho, the young King of Greece, whom I invited and received on board the Constitution; at the same time inviting the French captain and his first lieutenant of a frigate then there. A circumstance occurred on board at this meeting, which shows the simplicity and equality of American manners compared with those of royalists abroad. When Otho came on board I had a collation served up, of which I invited his Majesty, the French captain, and first lieutenant to partake. The captain, however, very strenuously begged to be excused. The rest of us ate, drank, and were merry. A visit was made on the same day to the French ship by the same party, but no entertainment at table was visible; the *reason* for which delinquency was made known to me by the captain:—He said that "Frenchmen never sit at table with *Majesty!*"

During my second visit to Athens, the King and Queen accepted an invitation to visit on board the Constitution, to spend the evening with General Cass and family, and myself. About 5 o'clock of the same evening, the King and Queen came on board; nearly all the members of their court, male and female, also came. Among them was the chief Maid of Honor, whom I found to be the widow of Lieutenant Colonel Wiley, aid de camp to Gen. Packenham, who fell at New Orleans. She was an amiable and intelligent lady; and being informed of her station in the king's household, I at once put myself under her tutorage, that I might learn how I should most agreeably deport myself toward his Majesty. She instructed me that I should not presume to offer any remark to his or her Majesty, but *answer*

simply in monosyllables. The King and Queen were seated on the quarter deck, and the refreshments being ready, I offered the Queen my arm, the King his to Mrs. Cass; General Cass, his *attaches*, my captain, and a few of the officers whom I had selected for the occasion, linking alternately with the different ladies, we descended to the gun deck, and from thence into the cabin, where were arranged, on the centre of the table, two castles, built of the different luxuries we could procure, and surmounted by flags, that of Greece and our own; their folds beautifully entwining. The castles were besieged and soon reduced, leaving the flags still standing. After these refreshments we passed through the ship, to give our visitors an opportunity of inspecting her. We entered the ward room, where, generally, one state room is neatly arranged, as a specimen of all; and the one here visited was that of Lieutenant Hardy, of the marines, than whom a better and finer man I don't know. Lieut. H. was honored very highly by some one, (whom I do not know ,but have well grounded suspicions) on this occasion, for on retiring to his bed, at night, he discovered a very valuable trinket, which *probably*, had been placed there by the hands of the Queen; at all events, Lieutenant H. earnestly believed that version of the secret. The ship being inspected, we again proceeded to the quarter deck. Mrs. Wiley informing me that the King and Queen were very fond of waltzing, I observed to her that I was no waltzer, but that I had a number of gallant young men on board about the Queen's own age, (fifteen,) who were very good at it. Having a fine band on board, I ordered a portion of them to the quarter deck, and to play one of their most animated waltzes. The music electrified the Queen, she looked at me wistfully, and I imagined I could read in her eyes, " do let's waltz." But recollecting the instructions from Mrs. Wiley, that I must not put any leading questions to *Majesty*, I beckoned for one of my aids, Mid. Maffit, son of Rev. J. N. Maffit, who was quite an adept at the business, presented him to the Queen, stepped aside, and motioned to him to be off. He did so; and in less than thirty minutes, at least twenty couples, including the King, were whirling upon the deck to their hearts' content. The evening closing in upon us, the awnings were spread, and the muskets of the marines placed around the capstan, with sperm candles in the muzzles instead of cartridges, forming a splendid chandelier, and thus converting the quarter deck into a beautiful ball room. The dance continued until two o'clock in the morning, when the King, thinking he was trespassing on our time, proposed being taken on shore. The boats were accordingly manned, the yards and masts of the ship splendidly illuminated, and a salute of 21 guns fired, when they had left. Before leaving the ship, the Queen remarked to Mr. Maffit that she would give a return ball on shore, and at the same time extending an invitation to him. She did so, and sent invitations on board for Gen. Cass, his family, my captain and myself. From the English frigate the captain alone was invited. Mr. Maffit came to me, informed me of his invitation to the Queen's ball, and asked permission to attend. I promptly answered him "No! what will be the feelings of the other young men if you should go, and they excluded. And further, no one has been invited from the British frigate but the captain and your attendance may cause complaint by the British Ambassador." The time arrived, and General Cass, his wife, his three daughters, his son, his three *attaches* with my captain and myself, gave our attendance. When

we reached the palace we found a large assembly of the King's courtiers, male and female, (those of Greece attired in their own costume,) and many of the chiefs, among whom were Mavermacolis, Mavercadotis, and Grievus, with their families, numbering perhaps one hundred. At this display I noticed, that the pride and pleasure of a Grecian woman, seems to be to exhibit all her valuable ornaments on her own person. There stood our charming, our plain, our good Mrs. Cass, with her three daughters, all dressed in the plainest manner, without a single ornament: showing in beautiful contrast with the gaudy jewellery of the Grecians! I called the attention of this good lady to the difference between the dress of her daughters and that of the others, and her answer was such as every good mother should pattern after. "Commodore," said she, "I never felt better pleased in my life than at the appearance of my daughters now,—were we possessed of the wealth of Peru, it should be withheld, and they made to appear as you now see them." While the dance continued, Mavermacolis, then worn down by years, took me by the hand, led me to a seat where he had an interpreter, and said he wanted to converse with me about America; asking me, I suppose, a thousand questions about our country, its institutions, &c. I drew, as I thought, a faithful picture of every thing at home, and if I live to the age of Methuselah, I will not forget his reply:—"You are a great, a good, and a happy people: I wish I could say as much of Greece." Then pointing to the young ladies, I gave him the reply Mrs. Cass gave to me,—telling him, at the same time, that the beauties which American ladies are possessed of, are confined to the head and the heart; to which he exclaimed "Good, too good!" Since then old Mavermacolis has paid the debt of nature! The ball being about to close, the King requested the younger of the Greek Chiefs to dance a Grecian dance in their own way, which, I assure you, was not unlike the war dance of Red Jacket and his tribe, after the capture of the Detroit and Caledonia: save that it did not cost me two barrels of whiskey!

We then departed for Marathon, visiting Cape Culano, the point where Falkner lays the scene of his celebrated shipwreck. At Marathon we found still in existence, mounds and remains of temples, where the ancient Greeks and Persians buried their dead. A fragment of a temple, built on the spot where Persian foot last trod, I brought home, and it is now in the Girard College, Philadelphia. And here I may remark, that while in the Mediterranean, I selected many valuable relics, and deeming the Girard College the most charitable of our institutions, I presented them to it. A catalogue of which I herewith present you.

From thence, as at a former period, I proceeded to the Isle of Sera, where I found the American and British missionary schools in a flourishing condition. I received on board the Rev. Mr. Hildner of the British society, and the Rev. Mr. Robinson, of the American society, with their families, and about five hundred scholars;—the latter highly pleased with the appearance of the ship, and perfectly contented with the music of the band, and the cheese and biscuit I had distributed among them; until a wag of a sailor, who spoke Greek, got among them, and told them the Commodore would carry them off, (this brought to their minds the scenes of the Turkish Capuden Pacha,) when the youngsters set up a deafening scream for the shore, and I was compelled to send them there. Here was a press established, and

in successful operation, striking off an edition of the Holy Bible and Testament in the Greek language. A part of the copy of the latter I now present you.

We proceeded thence to Smyrna; and while there I was invited to visit Bashar, twelve miles distant, to the country seat of my friend, Mr. Offley, where happened to be gathered the whole population of the town, male and *female*. And what, do you suppose, was the purpose of their meeting? To look upon the disgusting spectacle of two naked men, engaged in a brutal combat; greased from head to foot for the purpose of eluding each others grasp: not much unlike the prize fighting which has more than once disgraced our own country.

Thence, passing the Islands of Scio and Mitilene, we anchored in the port of Sidon, where I sent my flag captain on shore to make arrangements for an exchange of salutes, and to state to the Governor that we were prepared to salute if he would return the same number of guns. The Turk conceived this a questioning of his politeness, and therefore refused altogether. But on being informed it was an order of our goverment, growing out of a difficulty with Great Britain on the subject,—she, in many instances, exacting more guns than she gave,—he acceded, and salutes were exchanged, gun for gun.

We proceeded to Bayroot and Tripoli; at the latter of which places we found Ibrahim Pacha and the Capuden Pacha, with a large portion of the Egyptian Navy, obtaining and collecting timber and tribute. I despatched my flag officer Lieutenant Drayton, to wait upon the former, and know what time his Highness would receive me. He returned, informing me that he found the Pacha a "jolly, fat, and laughing fellow," and withal good natured, and ready to receive me at any time I came on shore. Accordingly, with my staff, I went to his palace, where I met with an agreeable and flattering reception. He expressed a wish, with the Capuden Pacha, to visit me on board the Constitution, and desired to know when I could receive him. To give him ease upon the matter, I stated to him that his time was mine; and accordingly we agreed on 10 o'clock the following day; when he came with the Capuden Pacha and all his captains. He requested to see the crew at quarters, with which he was very much pleased, as also with the inspection of the ship. This done, I seated him to a collation, with his company, and soon found that his Highness was a judge of a glass of wine, and not loth to take it. The other Mussulmen, however, declined the glass. Ibrahim Pacha proposed the health of Gen. Jackson, (a portrait of whom hung in the cabin,) with a sentiment not very palatable to the French Surgeon, who interpreted it. The Capuden Pacha being somewhat free in boasting of the sailing qualities of his ship, I agreed with Ibrahim Pacha that we would sail in company; he intending to stop at Bayroot, while I was to proceed to Jaffa, a distance of 90 odd miles. With a stiff breeze on the quarter I sailed around him twice, crossing his bow and stern each time. We ran the coast down close to Sidon, Tyre, Keifa, Acre and Mount Carmel; at the latter of which places we were saluted by a display of the French flag from the Monastery. We also passed by the ancient city of Cæsarea, now Hysaryah, anchoring at Jaffa, the Joppa of the Bible. Intending here to disembark for Jerusalem, I concluded to deport in such a way as not again to risk a

point of courtesy, and accordingly fired a salute in the usual mode, displayed the Egyptian flag, and sent my officer merely to announce the salute, my arrival, and intention to land next morning, preparatory to going to Jerusalem. The officer returned with the answer from the Governor that he regretted having no guns to return the salute. This story seemed plausible, from the fact of its being a point where the pilgrims landed and departed. We landed, and left early the next morning for the Holy City. I had Lamartine's notes on Palestine before me, in which some allusion was made to danger on the road; and consequently I directed the officers to be well armed. Travelling twelve or fourteen miles, we came to the city of Rama or Ramla; arranging our time so as to have our sleep at such a distance from Jerusalem as would enable us to ascend the heights which overlook that city, Mount Olivet and the Dead Sea, by sun rise in the morning. When we arrived at that sacred spot, and beheld in one comprehensive view those sacred places mentioned in Bible history, a feeling of solemn awe at once came over my mind, and like all others born and educated in a Christian land, and who have stood at that place, I felt an irresistible inclination to kneel down upon the consecrated heights. We entered the city by the western gate, called Jaffa, which is close to the tomb of David, and took quarters at the Latin Convent, the walls of which, however, were bare, leaving us to depend upon our own resources for such comfortables in the way of eating and sleeping as we desired. We then, after some refreshments, proceeded to visit the various places of interest in and about the city. We went to the Church of the Sepulchre; the Palace of Herod; the Gate of Judgment; the Dwelling of St. Veronica; the Pool of Ezekiel; The houses of the High Priest Zacharias, of Mary, of Mark, of Thomas, of the High Priest Annanias; the Greek Convent; the Public Baths; the Pool of Bethesda; the Grotto where the Virgin Mary was born; the house of Simon, the Pharisee, where Magdalen became penitent; the exterior of the walls around the Mosque of Omar, (Christians not being permitted to enter unless disguised in Turkish costume.) We then passed out of the city at St. Stephen's gate, into the valley of Kedron, to the Tomb of the Virgin Mary, and the Garden of Gethsemane, where stand four olive trees, said to be, and from their appearance I believe truly, the identical ones under which our Saviour wept. I felt a desire to pluck a branch from one of these trees as a memento, but my heart refused the sacrilegious task. Passing along the left bank of the brook Kedron, and through an olive plantation, we came to the tomb of Jehosaphat, near it that of Absalom, and not far distant those of Jacob and Zachariah. Hence south through the Jewish burial ground until we entered the valley of Siloam, where we descended and tasted the pure water of the upper and lower pools; and from thence to the Mount of Offence. We then returned by the road leading from the valley of Jehosaphat to the garden of Gethsemane, and thence to the Church of the Ascension, on the most elevated point of Mount Olivet; from which, with a good glass, we could indistinctly see the meanderings of the Jordan far along, even to its entrance into the Dead Sea, and a portion of the wide expanded sea itself. Night coming on we returned to our quarters, not to the refreshment of sweet sleep, but to the attacks of legions of nocturnal rangers, which appeared to swarm in our sleeping apartments. Morning came, and with it

Fold-out Placeholder

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as beautiful and imposing a scene as the mind can imagine. It was the rising sun—clear and gorgeous as he spread his golden rays across the summit of the mountain on the eastern shore of the Jordan, which were reflected back upon Mount Olivet and the turrets of the ancient city. Our next visit was to the place of our Saviour's birth, Bethlehem. We passed through the gate at the castle of David, and near Mount Gihon, where stands the tomb of David; thence by the lower pool of Gihon, the ancient aqueduct, and the valley of Gihon, to the hill of Evil Council, where are the ruins of the country house of Caiaphas. In our progress we passed the tomb of Rachael, equi-distant between Jerusalem and Bethlehem, where we found a small Turkish village. A cathedral now stands on the spot where the manger is said to have been. Descending about 35 feet, we were shown an excavation in a rock, said by the priests to be the identical spot in which our Saviour was born, After a short sojourn here we returned to Jerusalem, passing by the upper pool of Gihon, and through the Turkish burial ground,—crossed Mount Gihon, and passed through the olive plantations on the west of Jerusalem to the tombs of the kings and prophets, in Bezetha,—thence through Bezetha, visiting the Turkish tombs and the grotto of Jerusalem, to the valley of Kedron, and to the gate of St. Stephen, where we again entered the city.

I was also at Jerusalem the year following, accompanied by General Cass, his family and suit, (numbering about sixteen persons,) all of whom had been accommodated in my cabin on board the Constitution. The question may be asked, how came they all on board?—a question frequently asked, but which I have never had an opportunity of answering until now. Having touched at the ports of Sardinia, of Tuscany, the Roman States and Italy, at Sicily, at Malta, at the Ionian islands, and the different ports of Greece,—the latter of which powers desired the establishment of a treaty with the United States,—I, on returning to my winter quarters at Mahone, addressed a communication to my old friend General Jackson, stating to him the wishes of the Grecian power, and that if he would send me a travelling companion—either Mr. Poinset of South Carolina, or Colonel Drayton,—I could secure and establish such a treaty without the heavy expense of a regular mission. General Cass, it seems, having accepted the mission to France, volunteered for the performance of the duties expressed in my letter; securing at the same time from the secretary of the Navy, instructions for me to receive him and his suit on board my squadron. These papers were enclosed to me by General Cass, asking at the same time my permission to add his wife, his three daughters, his son, and male and female attendants, to which I answered that they would be as welcome as the flowers of May. Accordingly on the first of May, 1837, he embarked on board the Constitution, at Marseilles, with his wife, three daughters, his son, three *attaches*, a male and female servant, and a French schoolmaster for himself, all whom were received and accommodated as before stated, until near the 25th of November of the same year, when I placed them on board the frigate United States, for Marseilles. [See letters on record of Court Martial relative thereto.]

While General Cass was in company having visited nearly all the points spoken of in the account of my former cruise, we passed on to the Bosphorus and anchored at its mouth. On the following day, being the

4th of July, we landed and visited the old city of Troy,—proceeded on to Alexandria Trois, pitched our tent, cooked and ate an American dinner beneath the waving folds of the "stars and stripes," precisely at the point where stood the ancient Stadium, and drinking to the heart-softening sentiment "Home, sweet home, there is no place like home." In the evening of the same day we again embarked on board the Constitution, having ordered her to anchor off the island of Tenedos. We passed the night on board, and on the following morning landed and explored the island. The succeeding day we proceeded to the Dardanelles; communicated, and passed up the Bosphorus. Off Gillipoli the wind proving adverse, I chartered an Austrian steamer to tow us up into the sea of Marmosa, and on the next day entered the Bosphorus; anchored off Seralyo point, at the Golden Horn of Constantinople, and exchanged salutes with the authorities on shore and afloat. The plague raging with great violence all through that part of the country, we were compelled to a limited and guarded intercourse with the shore. On the day following we proceeded up the Bosphorus to the residence of Lord Ponsonby, the British Minister, and from thence into the Black Sea,—returning on board the Constitution at night. The next day by agreement, we visited the Capuden Pacha, and inspected his 120 gun ship, the Mamond, and also the models of a Navy constructing by our countryman, Mr. Rhodes, consisting of a frigate, a sloop of war, a brig, a schooner, and a cutter,—all nearly ready to launch. Returning we visited Constantinople and Porra,—looked into the confines of the Seraglio, and the famed Mosque of Saint Sophia, and the Mint. An arrangement had been made to present us to the sultan, through the Reis Effendie, but the plague raging fiercely, I yielded to the apprehensions of General Cass,—immediately ordered all on board—got under weigh and visited Staphana, where Commodore Porter, our Charge d'Affaires, was then residing; and after an interview with him returned on board, and departed down the Bosphorus for Mitilene and Ceio, when we visited the ruins of the cities laid waste by the Turkish Capuden Pacha, and anchored on the spot where the Grecian hero applied the torch and blew up the monster's ship, as also the place where Homer is said to have written the Illiad.

We proceeded to the island of Crete, port of Suda, where, being subjected to a quarantine, we could not communicate with the shore. Learning that Mehemit Ali was at Candia, in the same island, we went there, communicated with him, and obtained permission to pass through all Syria. Thence to Joffa, where I sent my officer on shore to demand a salute, which was denied the previous year; and, as anticipated by the Armenian, our consul there, the former Governor had been superceeded, and set aside in disgrace. I directed the officer, Lieutenant Brent, to state to the Governor that if the demand was refused I would depart the port and land at Acre. He professed his willingness to exchange salutes, but did not appear willing to repair the former indignity. Mr. Brent being about to leave—assuring the Governor I would depart—was called back, and informed that reparation would be made; the Governor at the same time expressing a hope that I would do all that was right. The 21 guns were fired from the shore, after which the Egyptian flag was displayed at the fore, and a salute of 21 guns fired on board the Constitution, and returned from the shore, and thus our point

of honor was gained. We then landed with General Cass and family, exchanged civilities with the Governor, and again departed for Jerusalem. Having before given a history of some of the points we visited, I will now commence at the Mount of Olivet. From there we proceeded to the old town of Bethany—thence to Jericho over the scene of the good Samaritan, thence to the Dead Sea; which I bathed *on*, for such was the density of the water that I could not immerse myself *in* it—thence to a point on the Jordan, five miles above, across which I swam accompanied by my two aids-de-camps, and midshipmen Anderson and Fleming. Mrs. Cass being detained at Jerusalem with a sick daughter, the General expressed a wish for a few pebbles from the opposite shore of the Jordan for her. Accordingly when I swam across I put twelve small stones in my mouth, that I might carry them safely over, and gave them to him as emblematical of the Twelve Apostles. For the purpose of having the gate at Jerusalem open in the night for the admission of our party, I left them for the city, taking with me an Arab guide. Having gone about four miles the guide halted and positively refused going any farther. I expostulated with him as well as I could by signs, but the only return he made was motioning toward the hills and drawing his hand across his throat; and therefore I was compelled to return to the company, with my guide, who, when questioned by the Egyptian officer with us, said he was afraid some of the wild Arabs would cut my head off and then Ibrahim Pacha would cut off his. In consequence of this refractory guide we were compelled to encamp short of Jerusalem, entering the next morning. After reconnoitering at Jerusalem as before, we visited the tomb of Samuel; thence to Neine and Naplous, tarrying a a night at Jacob's well; thence to the old city of Samaria, visiting the ancient church of St. John, and the hanging gardens, so beautifully described in Josephus. Thence we proceeded through the valley of Esdralon, by the foot of Mount Tabor to Nazareth. In the valley I was struck with the beauty of the wheat, (the harvests were then gathering in,) of which I procured a parcel, brought it home and distributed a portion to a few farmers of Lancaster and Chester counties. I also sent a head and a few grains to the New England farmer, Daniel Webster, for his inspection, but he has made no report as yet. At Nazareth we inspected the ruins of the house of Mary and Joseph, on which is now standing a cathedral; the ruins of the house in which Joseph is said to have had his workshop; the ruins of the house in which our Saviour is said to have disputed with the learned doctors and wise men. Thence we proceeded to Kaina—the Cana of Scripture: where were exhibited to us the remains of the house in which Christ miraculously converted the water into wine at the marriage celebrated there; thence to Tiberias, on the sea of Galilee, which had been destroyed by an earthquake but a few months previous. We encamped on the shores of Galilee, and visited the spot where Christ is said to have met the fishermen and also divided the loaves and fishes. Returning through Tiberias we coasted along the west bank of the sea of Galilee, passing through the old city of Capernaum, thence to Jacob's bridge on the Jordan which we crossed coming to Soffat. Near to Soffat we encountered an encampment of wild Arabs, living in the old patriarchal manner, with whom we endeavoured to trade for a fine Arab mare, but there being more claims to the animal than we could well satisfy, we relinquished the matter.

We continued our rout for Damascus or Sham, where we found that letters from Mehemet Ali to Sheriff Pacha had preceeded us, with instructions to the latter to receive us with every kindness and attention; in obedience to which the Sheriff Pacha prepared us elegant quarters, and for our further gratification spread his table in European style, his children sitting down with us. We soon discovered, however, that this mode of eating was not congenial to their customs; for they not only made an awkward attempt at using the knife and fork but actually threw them aside and laid hold with their fingers. We tarried here nearly a week, visiting the house of Annanias where Paul was lowered in a basket, and also the place where his conversion was effected; the Bazaars, a market where every article of traffic may be found; the market place, in which stood exposed for sale to the Turks a great number of beautiful Circassian women; but I was less fortunate than Mr. Stevens in captivating the heart of one of those fair creatures, notwithstanding my military attire, which is generally so much admired by females. We here witnessed an exhibition of the Dervishes, a set of jugglers who perform many wonderful and astonishing feats. Gen. Cass expressed a wish to have the Dervishes brought to our quarters, but Sheriff Pacha declined. He, however, on the day previous to our departure invited us to the palace to witness the performances. On our arrival there all was prepared for the exhibition. The Dervishes were brought in, and after some religious ceremony, commenced by putting in their mouths live coals, intensely hot, and moving them about with motions of the tongue and head until completely extinguished. Their bodies were pierced with sharp pointed irons in various parts. An instrument with a large ball at the end, was passed through the skin of the neck, the blood apparently oozing from the wound, and then plunged into the breast and abdomen. A sharp edged scimiter, doubtless that of the Great High Executioner, was drawn roughly across the body; the blade almost buried in the flesh. The parts of the performers thus operated on were without clothing, and the only healing property applied to the wounds was spittle from the mouth of the priest. The scimiter of the Turk is a singular weapon, and peculiarly adapted for severing the head from the body; for which purpose it is so commonly used by the Turk. It is a blade similar to the broad sword, but bent in such a position as to effect a severe cut by a straight forward motion of the arm, or thurst. From the heel the blade is almost straight to the centre, where it suddenly turns, forming an angle of about 45 degrees. I was assured that an experienced headsman with a scimiter, would separate a man's head from his body, with more ease and celerity than an experienced epicure would the wing of a fowl. Sheriff Pacha proposed another astonishing feat, but being satiated, I mentioned to General Cass my desire to go, observing at the same time that I had seen enough to sicken me for the balance of my life. The General, however with increased curiosity insisted on seeing all we could; and accordingly we tarried. Twelve Darvishes were brought in, and placed upon the ground in a manner resembling the fingers on the hand, when a large Arab horse, such as my Sheriff Pacha, now in Chester county, mounted by a huge Arab, was rode over their bodies. This was no juggling but good earnest, for I followed the horses steps and saw them planted fairly on the bodies of the Dervishes. The horse, however may have lightened himself—for

he was a sagacious animal—by that instinct which prompts even man to buoy himself up when crossing bogs, or weak ice. After this truly astonishing feat, the jugglers arose and seemed to wince, but not enough to indicate that they were seriously hurt. At the time the horse was about treading upon the Dervishes, a small Egyptian boy, probably a musician, threw himself down among them, with religious infatuation, no doubt, and would have suffered himself to be thus mangled, had not the priest instantly taken hold of him and raised him from among them. An incident occurred when we visited the mint that goes far to show this predominant trait of the Turkish character, *i. e.* their love of the slight of hand. While examining, or rather looking on the operations of the workmen in gold, I was accosted by one of them, and charged with having pocketed a piece of his coin. I positively denied having touched any thing, when he laughed and asked me to feel in my pockets. I did so, and to my utter astonishment found a small piece of *his* gold, which had been but that moment thrown from the die. The fellow was highly diverted at this act of his adroitness; but for myself I was not a little dissatisfied, as it afforded rather a good joke for the General and his *attaches*.

At Damascus we received the kind attention of Mr. Herron, the British Consul, at whose table I met the former Governor of Jerusalem, who had been so kind to me on my first arrival there, and who from his kindness to Christians generally, was displaced by Mehemit Ali. This governor had bestowed marked attention on the Prince de Joinville, which the Prince mentioned to his father, the King of France: who, accustomed to present mementos to those who kindly treated his son, sent one to the Governor of Jerusalem; for you are aware, no doubt, that to a Turk the highest favor you can offer is *a present*, be it large or small; to decline which places an insuperable barrier to all further intercourse. The governor, however, having been removed, did not get the present designed for him by the King of the French; it was received by his successor in office, who still enjoys it. My friend, Gen. Cass, assured me that he would call the attention of the French King to the circumstance on his arrival in Paris, which, I trust, he has done.

It may not be inappropriate here to inform you, my friends, how narrowly I escaped from a fate similar to that of the Governor of Jerusalem. On the day after the visit of Mehemit Ali, on board the Constitution, his minister, Bogase Bey, called upon Mr. Gliden, our Consul at Alexandria, and asked, through him, my acceptance of a cimeter from the former. Having the constitution of our country before me of course I declined receiving it as a present to myself; but wishing to obtain a place for the burial of our dead at Jerusalem, as also a participation in the trade of Syria, which England, France, Russia, and Austria secured only after tedious negotiation, I agreed to accept the cimeter *for transmission to my government*. On those conditions it was received, and sent home by the hands of a fine young officer of our navy, from this county, Lieut. Cad. Ringgold, and whom I contributed to place in the service. By him it was borne to Washington, and placed in the Navy Department.

I cannot, my countrymen, elucidate to you in a stronger manner the horror attending the prosecution of me before the Court Martial, under the *drag-net* placed in the precept, by the then Secretary of the Navy, than in the following terms:—"Of what else do you know

prejudicial to Com. Elliott while commanding the Naval forces of the United States in the Mediterranean during the years '35, 6, 7, 8, and 9?" Being thus interrogated, one of the young officers unfriendly to me, and who had seen the sword in my cabin—but who had not access to my letter-book—swore that I, in violation of that article of the constitution prohibiting an American citizen from receiving a present from any "foreign prince, power, or potentate," did receive a sword from Mehemit Ali; and but for the precaution of the words in the close of my letter to the Secretary of the Navy, that I received the sword for transmission to the Government, *that* sword which had been presented me by the nation, and which has been the companion of my side for more than a quarter of a century, and which I had determined never to surrender to an enemy, would have been wrenched from me and I assigned to eternal ignominy. We have had one case in our Navy where a Captain accepted a sword from the Viceroy of Peru, and wore it by his side until that distinguished countryman, Henry Clay,—who you know married a wife in this town—caused him to disgorge it.

At Damascus we were also entertained by the Turkish High Priest: the ladies of Gen. Cass' family having access to the female society while we were entertained sumptuously by the males,

After tarrying a week at Damascus, we departed for Balbeck, situate between the Lebanon and Anti-Lebanon mountains. On ascending the heights from Damascus we turned to look down upon the ancient city; and beheld the meandering of the beautiful waters that checker it, and at intervals along their banks, the waving of the lofty tops of the cypress trees that rear aloft in splendid contrast with the time-worn minarets of courts and palaces. Fain would I have returned to visit the many delightful spots that were then presented to our view, and of which we knew nothing while down among the clustered buildings of the city—but duty impelled us on. We prosecuted our route for Balbeck, and arrived there about meridian on the next day. Here I preceded our party and called upon the officer in command of Ibrahim Pacha's army, he having a force of somewhere near 1500 dragoons—with fine Arab horses. He too, having been apprized of our intended approach, pointed out a position for our encampment close to the Temple of the Sun. My secretary who had been up with a party the year before represented that there was a splendid Roman Eagle among the ruins, without apprizing me of its size. The General made a tender of services, when I replied to him that I had but one favor to ask, and that was, permission to take with me to the sea coast this emblem of my own country, to which he readily gave his consent. Visiting the temple for the inspection of it, judge my surprise on finding it elevated at the entrance of the temple, and weighing perhaps one ton. I felt very much as I did in approaching the olive trees at the garden of Gethsemane! There rest to the end of time. We found this a magnificent temple, but pretty much in an entire state of ruin. With Lamartene's description of some of the blocks of granite within, as he stated, measuring 59 ft. by 13 ft., I measured the same and found him critically correct. We were pointed to the quarry whence they were obtained, distance perhaps 1½ miles. Here we found one as left by the ancients, of the same size—worked square on the top, two sides, front and end—chiselled away underneath to both sides within

about 3 feet. Those gigantic pieces of masonry brought me to the conclusion that the temple must have been constructed by a giant race compared with our own. The governor invited us to inspect his troops, and brought out his whole force for the occasion, which were carried through all the evolutions common to cavalry. My attention was particularly struck with one evolution of charging a column to the front. The instantaneous manner in which the horse was brought upon his haunches at the word "halt," in charging upon a wall, &c., convinced me at once of the great sagacity of the Arabian horse. Here we tarried two days interchanging civilities with the governor, &c. A fine field presenting for the antiquarian, I had thought of hiring an additional mule, presuming the one to be pretty well loaded, but on enquiry of the Turk who had what matters I had collected in charge, he observed to me that there was plenty of room in the baskets yet. Doubting the fact I examined them, and found that as one had become full he had emptied the other out, and thus I was deprived of many of my relics. I give this as an instance of a Turk's fidelity, and the little veneration he has for antiquities. Taking up our march, the third day we crossed the Lebanon Mountains, and in ascending found them steep and precipitous. About six miles descending on the west side, we came to the far-famed cedars, numbering about twenty-five. To one of the branches of the largest I hung my hammock, at the risk of a little cold, and slept there during the night. On the morning following I cut off one of the branches which I brought home, and which is now to be seen at the Girard College, Philadelphia. Early the next morning the peasants began to collect around us, among them a priest from the village of Eden. He opened the doors of his church, which was hewn out of the body of the largest cedar, then invited us to join in his religious devotion—having a two fold object in view—to pray and solicit alms. The former we could not well understand, but the latter was quite comprehensible. Here too I was disposed to doubt Lamartene's description of the size of the tree, and having a line along for the purpose, had it placed around the tree just where the limbs branch off, and found it to measure very nearly fifty-nine feet. Soon after we departed for the town of Eden, where we were met by one of the Princes of the Lebanon Mountains, who entertained us with the kindest hospitality. We continued our movement the following morning for Tripoli, where our whole force embarked on board the Constitution, taking with us the Arabian mare I purchased at Jerico, having rode her the whole route during which she did not deny her food or miss a step. And this mare having since had two colts, one by Busirus, and the other by my Arabian horse, purchased at Damascus, I now have in the county of Chester, Pa.

We then proceeded to the Island of Cyprus, touching at Larnica and Lamesal, displaying the first American flag on a man-of-war in that port. Visited the Greek convent and were treated kindly by the Archbishop. We made a stay of two days watering the ships. The island of Cyprus, you are aware, is noted as the place where Saint Paul ate the bread fruit. After reciprocating honors with the governor, we proceeded to the port of Alexandria, in Egypt, there again interchanging civilities with the authorities. With Gen. Cass, his family and suit, we embarked for Cairo, by the great canal which Mehemit Ali constructed at so great an expense of human life—having caused the death of at least 25,000. On the follow-

ing day we arrived at the Nile. Here the Egyptian Governor, without asking who would go or who would stay, took us to Bolack. We disembarked the next day, proceeded to, and took quarters in the city of Cairo, and there visited points of interest and antiquity. At Cairo we again beheld the degrading spectacle of the beautiful Circassian and Nubian women brought from a distance for sale to the Turks; a picture that causes humanity to shudder. Here we examined the museum and the workshops of Mehemit Ali, as also the identical place in which he had invited all the officers of rank of the Janizary corps to a sumptuous banquet, and while in the midst of their hilarity, they were all butchered, except one, who made his escape over the walls on his Arab horse. Mehemit Ali thus proclaimed himself Pacha of Egypt. At Cairo I was again presented to my old friend and bottle companion, Ibrahim Pacha, who, in the recollection of the convivial glass on board the Constitution, entertained us and rendered every assistance to make our sojourn comfortable. Leaving Cairo we ascended the Nile to the ruins of the ancient city of Memphis, visiting the Nileometer on our way, to determine the degrees of its rise and fall on its left bank, where a colossus may now be seen, the great colossal figure which is supposed to be one of those which stood in front of the temple of Vulcan, and which is near 90 feet long. We then visited Saccarah and Geza, about 12 miles from Memphis, where are entombed in subterraneous vaults, all manner of birds, dogs, cats, monkeys, &c., once so highly venerated by the ancient Egyptians. I descended into one of these vaults—procured some of these relics—brought them home, and presented one, though the hands of my friend, Commodore Warrington, to the William and Mary University of Virginia, where they may now be seen.

At Geza we found two of the largest pyramids in Egypt. We ascended one to its top, and entered its interior by the passage discovered by Belozini, where we found a chamber, and in it a sarcophagus of great beauty, which doubtless contained the remains of one of the Copts of Egypt. Its dimensions I should judge to be about 600 feet in height, and 300 on its base, of moderately hewn granite stone, the pieces about 6 feet long and 2 feet high, laid upon each other in the form of steps. In ascending to its top we were necessarily compelled, each of us, to consign ourselves to a couple of Egyptians, one before and one behind. With my guides I made a regular contract, viz :—safe up and safe down, a compensation—about the value of a dollar—neck broke, nothing;—consequently great care was taken. Here too, in this neighborhood, from Memphis down, I entered the catacombs, and there obtained a mummy which I brought to the United States, and presented, through the hands of my old school-mate, Dr. J. Miller, President of Jefferson Medical College, at Baltimore, to that institution, and which has been since unwrapt in the presence of a class. On a recent visit of Colonel Johnson and myself to that city, he placed in the hands of the former one of the feet, with the wrappings of which we are both possessed at this time, and which is at your service for inspection. Close to the large pyramid we have a marble sphynx which is imbedded in the sand about three-fourths of the way, leaving, I should judge, about 50 feet exposed, presenting a colossal figure of the human head and body low as the haunches. In the vicinity of it I descended into another subterranean passage, where I observed two sar-

cophagi and on returning to the surface I found a portion of the top of one of them which had been broken off: doubtless the work of some purloiner of antiquities, whose agent in the removal had served him as mine had at Balbeck. Having possession—nine points of the law—of the piece, I concluded I had a right to purloin it from the purloiner; accordingly I brought it home, and it is now at the Girard College, Philadelphia, were are also various other relics of antiquity, including two sarcophagi, which, when I was at Jerusalem I learned had been excavated at Bayroot, and had purchased on my private account, and which will be my sepulchre.

Now, my countrymen, I can naturally conceive what will be your feelings when I state to you that in the removal of these from the shore to the ship a *fish* was injured, and an old rotten stump top-gallant mast, both worth perhaps five dollars, and for which I am charged with wasting public property. In the removal of these articles on board the ship, the seamen were permitted to have access to liquor, under the influence of which they became insubordinate and riotous, and were punished by the regularly, legally constituted Captain of the ship, whose authority under the law only extended to the infliction of twelve lashes. The First Lieutenant singled out one man whom he wanted to make an example of before a Court Martial, and requested that he might be remanded back to prison until I should come down from the interior of Syria, and whose punishment under the law, had the charges been proven, would have been a hundred and fifty lashes. I inquired into the character of the man, and found it to have been exemplary and unexceptionable, and this his only offence. As Gen. Cass' family was on board, and not officers enough to constitute a Court Martial, I directed the Captain to punish him as he originally intended, presuming that he would not violate the law; and he gave the man one dozen more than the law authorized. Here is another of the grave charges of cruelty! The question put by my counsel. "How do you know Capt. Elliott gave the order and that the man was punished?" "By reference to the Black Book, in which the punishments of the ship are recorded." "Produce that book." "I would rather not, because it tends to endanger others, and ask to withhold it." In which right the Court protected him. "I protest against the withholding of the book." The Court clears for deliberation, and on opening announces the decision that the book must not be produced. I redoubled my protest stronger than ever. The Court again cleared for deliberation, and on opening agreed that the book should be produced; the sight of which makes one's blood chill. I have the book, but to save the navy it is sealed. And these are my prosecutors! The very same officer makes the charge and swears that I consumed the canvass belonging to the government to make tents for Gen. Cass and myself while travelling in Syria. I produced the man who received the canvass at Marseilles, cut the tents and made them up. Not having an epaulette to his shoulder, however, his testimony was not believed. But thanks to an all wise God, I had a witness here to protect me; and that was Gen. Cass, who purchased the canvass—holds the bill and receipt, and thus informed the government!

Here too is another instance of the effect of the *drag-net* charge of five years, and gives to me another opportunity of holding up to you the high and honorable bearing of the honest tar. The charge being sworn to by the officer, I requested my counsel, Mr. Randall, to prepare interrogatories to

be sent to Gen. Cass, but the Lord, as if it were, standing by me, sent me another witness. During my trial the seamen who had sailed with me, were exceedingly troublesome in their calls for the purpose of showing sympathy, to prevent which I directed the landlady with whom I boarded, to say to each that I was engaged and could not see them. But one man came and seemed so anxious to see me that the good lady came up and importuned for him. I yielded and admitted him. As soon as he put his eyes on me I observed the tears of affection starting down his cheeks. I called him by his name, "Mellville,—how do you do, and where have you been since we paid you off in the Constitution?" "I have been two voyages to Canton." "Where did you arrive?" "At New York, three days since." "What brought you here?" "I met Jim Smith, your coxswain, when I was making a line fast to draw the ship to the wharf—he told me they were trying you at Philadelphia and that all the officers were swearing against you; I came up to see if I did'nt know something about what was going on. He then stated to me what he knew about the canvass. I took him to my attorney, who interrogated him on the points, and stated to me he was the only witness required. He gave his testimony to the Court, not one word of which was believed; and if I live to the age of Methuselah, I will not forget the countenance of one of the judges at the attempt to do away the testimony of an officer by a seaman.

We returned to Cairo visiting the Military School of Mehemet Ali for the instruction of youth for the army; then to Alexandria, and brought our whole party. Ran down the coast of Egypt, Tripoli, Tunis, and along the islands of Pantelerio and Sardinia, for the port of Mahon, in the island of Minorca. Finding the heavy press of canvass I had carried on the Constitution to have opened her sides and seams considerably, I gave her a pretty good thread of oakum preparatory to a winter's cruise. Transhipped Gen. Cass, and all his effects, without leaving a vestige behind, on board the frigate United States. He left me the accompanying letter, nothing having transpired during the whole cruise to mar the good feeling which had existed between us for more than a quarter of a century.

PORT MAHONE, Nov. 7, 1837.

MY DEAR SIR:—Allow me to say in a private note, what I could not so properly say in a public one, that I shall ask your acceptance of a token of remembrance from Paris, upon which will be engraved the names of the principal cities we have had the pleasure of visiting together this season. I want your family to know that I hold in grateful remembrance the friendships and attentions you have shown to me and mine during our interesting voyage.

I am, dear sir, with great respect,
Truly yours,
COM. ELLIOTT. LEWIS CASS.

But I would here remark by way of suggestion to the government, never to place another of her ships of war but in its own true element; as a ship of war should be always free from any thing which may for a moment require a commander to set aside that rigid and strict discipline so necessary to crown her efforts with success in case of an emergency.

After my repairs were made, and the ship properly painted, and in her

ordinary high state, I concluded I would pass the winter at Malta, and interchange civilities with the officers of the British navy and army, with whom it fell to my lot to contend in the war of 1812.

Late in January I departed for the port of Minorca, after assigning various cruises to the squadron, and ran up to Malta in less than 48 hours, and anchored in what is called the outer harbor, observing several ships and sloops of war within. Scarcely had the anchor been let go, when a boat came along side—an officer entered the ship and wished an interview with the Commodore. He proved to be the Flag Captain of Adm. Sir Robt. Stopford's ship the Princess Charlotte, 120 guns, bearing a message of welcome, and stated to me that the position of the Constitution then was rather insecure, and that the Admiral would be very happy to see me in the inner harbor, where I would find buoys to which I could make fast my cables, and occupy a then vacant birth; all which was accepted. A signal being made from the Admiral's ship for the boats of the fleet, they soon took us in tow. I weighed anchor and soon found myself in the midst of an English line of battle ships, frigates, and sloops of war. I expressed a wish to visit the Admiral, and desired to know when it would be acceptable to see me: he answered me that it would depend entirely upon myself. Being Saturday I mentioned Monday. "Why so late?" I answered that I presumed he would be engaged in religious devotion the next day. Nevertheless he would see me on that day, at the admiralty house on shore, as he lived there. At the hour of one, accompanied by my Captain, I appeared at his quarters, where I found all his Captains in readiness to be presented. We retired to an adjoining apartment where was a sumptuous table spread, with what the English call a lunch, but what we call, in America, a good substantial cold dinner. He asked me a what time it would be convenient to let him visit my ship. I answered him, that at his advanced age—being about 90—I could not expect him to embark, and that I would take quarters on shore. No, sir! I wish to visit you on board your ship. He named the next day at one o'clock; at the appointed time he came on board, accompanied by Sir Thos. Fellers, Sir Thos. Briggs, Sir John Lewis, Capt. H. Parker, Capt. Correy, and his brother-in-law, (his flag captain,) Capt. Fanshaw. He seemed to express and feel disappointment that the ship was not larger than she appeared to be. In ancient times she would have been considered a large ship, but with the frigates of the present day she was but small. After inspecting the ship and partaking of refreshments, with a salute to which his rank entitled him, he left me for the shore. He named a day for his dinner, which I accepted, and at a proper time reciprocated on board the ship. Here too, I found Sir H. Bouverie, Governor of Malta, extending and receiving the same courtesies, offering me an invitation to dinner for the next Friday, and for every succeeding one while I was in the port of Malta. I experienced the same kindness from all the subordinate officers of each—as well as from the authorities on shore, civil, military, and ecclesiastical; and I can in all truth say, that during the two months I lay at Malta, I was not at dinner on my own ship, unless reciprocating those from on shore. It so happened that on the anniversary of Washington's birth, I was invited to dine with Sir Robert Stopford. In accordance with the

custom of our navy, the Constitution was decorated with the American flags—among the national ensigns, the British at the starboard main yard: on observing which Sir Robert directed the American flag to be displayed at the main of every ship of his fleet. At meridian, when I fired my salute, each of the British ships participated in the same. Just before sundown I hauled down our flags and ran up the British at the fore, firing 19 guns as a compliment to the Admiral himself; and sent on board to return my own thanks and those of my country for his compliments to the venerated Washington. On entering his apartment at the hour of dinner, he met me and remarked, "Commodore, we have made some noise for you." "Yes, Sir Robert, you have; I felt great pleasure when I observed you display our flag, but judge my feelings when you joined in the salute." "Poh!" said he, "we consider George Washington a chip of the *old block*." Subsequently I went along side the Princess Charlotte, to return the call of her Captain, but he not being on board I sent my card up—for you must know it is a terrible task to get up the side of one of those heavy ships. The Admiral feeling a desire to return me the compliment I did him when on board his ship, ordered, as I afterwards understood, the second Captain of the Princess Charlotte to make me a call, and actually quarantined him until it was returned. As I departed from the ship, on that occasion, the American flag was displayed at the fore, and the ordinary salute of 13 guns, when I seated myself in the boat; but the guns still firing I raised, and seated again at the 15th; but still the firing was continued, and I raised again, and seated at the 17th; and yet they fired, when I raised, again seating at the 19th. All this seemed inexplicable to me. However, it happened that on that day I dined with the Admiral, when he remarked to me, "Fanshaw tells me he had a visit from you to-day, on board the Princess Charlotte." "Yes, Sir Robert; and I don't know when I felt more embarrassed than at your salute. Mine has ordinarily been 13 guns." "You are invested with the same powers that I am, then why not expect the same honors?" I observed to him that "I would have been better satisfied with a less number than I am entitled to, that thus I might write home a complaining letter, and induce our government to give us your grade." Pointing to his son, he said, "had it not have been for Bob, there, doubtless you would have been an *Admiral* now, for he was first Lieutenant of the Pantaloon that brought over the mediation."

Many pleasing incidents of this nature occurred while at Malta. I was invited to dine with the 92d Regiment, Col. Earlington. The note was borne by the Adjutant of it, of my own name, and from his eye I thought I could trace our own family; and I accordingly asked him of what port of Ireland he was from. He answered, "from Fincastle, county of Donegal;" the very port from whence my own ancestors came. Of course we manufactured cousinship, and the whole regiment rejoiced that the Adjutant had found the American Commodore to be a cousin.

Sir Henry Bouverie, not disposed to be behind the Admiral in his attentions, asked me if I could find it convenient on some occasion to look at the troops of the island. I assured him it would afford me great

pleasure to do so. He named a day; and on repairing to the spot, between the village of Florian and Malta, I found perhaps 10,000 people assembled, and Sir Henry, with his whole garrison of 3,000 men, himself, and all his general and field officers present, and with their numerous bands. Sir Robert Stopford and myself were requested to advance about two paces from the crowd, when the troops marched by us in columns, the bands playing the favorite national airs of this, our happy country, in slow and quick time. After which, we were taken to an elevation, and witnessed a sham attack and sortie from the village of Florian. This done, Sir Henry advanced and asked me if I had any other wish to gratify as to the troops. I returned him my sincere thanks for the honor he had conferred upon my country and myself, and then suggested, in behalf of the troops—for the poor fellows looked weary of the exercise—that they might return to the garrison.

Leaving Malta, we returned to Mahon, the head-quarters of our squadron. The period of service of a large portion of the marine guard being about to close, I took on board, under the authority of the Hon. the Secretary of the Navy, the accumulated sick, and men whose terms of service had nearly expired, and after a quick passage arrived at Gibraltar. At this place, a compliment was extended to me, which no other commander ever received at that port. That worthy, honorable, and just man, Horatio Sprague, who had filled the consular chair with so much satisfaction to his government, for nearly a quarter of a century, named his infant, just then born, after me. Here I had a fine opportunity of trying the sailing qualities of the Constitution. The westerly winds prevailing, had brought in a large accumulation of vessels, destined to pass through the straits, on the eastern side of the rock. The wind changed to the east; when at least 120 vessels appeared. The Constitution got under way, the other vessels being 10 miles ahead. The wind dead aft, she passed the whole of them ere the sun had set, cleared the straits, and left all behind. Our passage was a short one to Funchall, island of Madeira, where, anchoring on the 3d of July, we remained to celebrate the 4th, and on the 5th, proceeded on our homeward voyage, anchoring in Hampton Roads on the 31st. On the day following, anchored again at Norfolk, where, when the proper arrangements were made to pay off the crew, this gallant relic, the Constitution, was delivered to the nation, through the hands of Com. Warrington, at the dock yard.

But to return. After the above cruise of four years, and visiting the four quarters of the globe, I sought again the peace and quiet of my family, at Carlisle, Pa. But even here, political feelings and jealousies were brought to bear against me. Whilst enjoying my long desired repose, an excitement was gotten up at Harrisburg, on the occasion of certain contested seats in the State Legislature, then recently convened. His excellency, the Governor, in order to quell it, sent the Hon. C. B. Penrose and Major General Alexander to my quarters, with a request that I would accompany them to the barracks, and assist in prevailing on the officer in command of the U. S. troops there, to proceed to Harrisburg with them, and quell the threatened rebellion. Believing the difficulties to be altogether of a political nature, I at once declined. However, just

before the dawn of day, having recollected the oath I had taken, on entering the Navy, to "support the constitution and laws of the various States," and doubting whether I might not be remiss in withholding my personal presence, I at once wrote a note to the two gentlemen, above named, stating that, on reflection, I had concluded to go down to Harrisburg, not for the purpose of entering into the political controversy, but to assist the Governor with my counsel, and sustain him in the discharge of his official duties. I accordingly departed for the capital, where I found the Governor under the influence both of personal fear, and of apprehension of violence on the legislature. I expostulated with him on the impropriety of mixing the military of the government, in any way, with the affairs as then existing at Harrisburg; telling him, too, that I believed his fears were groundless, and that we had not such rebellious spirits in the commonwealth. I also told him that I would take quarters in the town, mix with the partizans, and endeavour to *appease* the one and give *confidence* to the other; acting as a mediator between the parties. And this I continued to do until the arrival of Major General Patterson, of the Pennsylvania Militia, when I immediately called upon the Governor, and announced to him that I considered my functions to have ceased. After his acknowledgment of the kindness I had manifested, I departed for Carlisle, the residence of my family. About three days after, I was not a little surprised at the receipt of a letter from the Secretary of the Navy—the self-same *professing friend*—reproving me for what he was pleased to consider, my interference at Harrisburg, and couched in language such as I would have submitted to from none other than an official functionary. To this letter I had prepared an answer, vindicating my rights as a citizen of Pennsylvania, which, whilst not in the discharge of professional duties to the nation, I held sacred; and of which, rather than be deprived, I would return my commission to the government. I exhibited this letter to a friend, James Hamilton, Esq. who stated to me that I was sensibly, yet justly, under the influence of excited feeling: that persons so affected were not the best judges of their own cases, and, therefore, asked the privilege of preparing another letter for me. He did so;—the one you, no doubt, have seen in print: but, from what has since transpired, I would give my right arm if it could be recalled!

But I will not exhaust your patience: perhaps already too ungenerously taxed: and I will hasten to the narrative of subsequent circumstances. I presumed, from the silence of the government to me, that I was doomed to pass the balance of my cruel sentence upon my farm; but with now and then a circular from the person appointed to direct the Medical Bureau, and the father of the young officer who had behaved so badly under my command,—I was occasionally reminded that I belonged to the Navy. How these circulars were received by my brother captains, who were untrammelled, and in the active exercise of their official functions, I did not know. To me, however, they seemed altogether out of place. Early in July, a circular of a more distinct character came to me, which required that I should give an account of all the services I had rendered the country, from the day I had entered the Navy until that period:—for what object, the Lord only knows, for I did not! I left my

plough,—for I had become a cultivator of the soil,—overhauled all my papers, and, from these and memory, rendered, as I thought, an exact detail of all my doings. To this narrative, I appended a note, in pencil, thus: "*Since the 22d of June*, 1840, *up to the present moment, I have been under the operation of a sentence of a Court Martial as unjust, as unholy and unrighteous as ever has been recorded against an officer of our own, or any other service; not excepting a Byng, of the British Navy, or a Barron, in our own!*"—J. D. Elliott.

To this, I received the following answer:

Navy Department, January 19, 1843.

Sir:—The note appended to the statement of your services, forwarded to the Department in June last, but which it has not, in the course of business, been necessary to refer to till now, being deemed highly reprehensible and offensive, the paper is returned to you for reconsideration.

I am, respectfully,

Your ob'dt serv't.

A. P. UPSHUR.

Captain J. D. Elliott, U. S. Navy.
Near West Whiteland, Chester Co., Pa.

My reply to this communication was, that in appending the note to the return of service, I did so without meaning any disrespect to the Executive or Secretary, but to set forth the full sense of my wrongs, and in the strongest language I could communicate them;—that I would be glad to know when it would suit Mr. Upshur's convenience to enter into a discussion of those wrongs. I received the following communication:

Navy Department, February 7th, '43.

Sir:—Your letter of the 2d instant has been received. You state that you have deferred entering on a detail of facts and circumstances connected with your accusation and trial until you should hear whether I felt at liberty to accord a hearing to you. I will certainly receive and consider whatever representation you may think proper to make on the subject.

I am respectfully yours,

A. P. UPSHUR.

Capt. J. D. Elliott, U. S. Navy, West Chester, Pa.

I accordingly commenced the narration of my wrongs on paper, but as I progressed, I found them so numerous that, to communicate all, they could hardly be compassed in a volume less than that of the Bible. After consulting with a valued friend, it was concluded that it would be best for me to proceed to Washington, ask an interview with the Honorable Secretary, and communicate them orally. I therefore repaired to the Capital, and to the quarters of a Senator from the State of Pennsylvania, the Hon. D. Sturgeon. I stated to him the object of my visit, and asked him to accompany me to the Navy Department, and present me to the Secretary. He did so; and on entering the office, presented me to Mr.

Upshur as one of Pennsylvania's most honored and gallant citizens: stating that the object of my visit to Washington was to have a discussion with him, and asking when it would be agreeable to him to enter upon it. The conversation between the Senator and Secretary turned upon matters irrelevant to my case; but at length Mr. Sturgeon referred to it, when Mr. Upshur observed that he had just received a note from the President upon a matter which would occupy him that day; that on the succeeding one he would be engaged with the officer appointed to the command on the Coast of Africa, but on the day following, at 8 o'clock, he would give the interview. I accordingly attended at the appointed hour, and was honored with the desired meeting. I introduced my remarks by again repeating the assurance that in appending the note to account of service, I meant no disrespect to the Executive or himself. He promptly observed that he did not suppose I did; that, in drawing my attention to the note, he merely wished to apprise me of his desire to keep the records of the Department free from any thing that was exceptionable, and professed himself satisfied. I then commenced narrating my wrongs, at which he was pleased to express himself surprised, and asked me if I could rely upon memory. I assured him that I could do so, that I stated nothing but what the files of the Department would establish. He asked me, "Did Captain Boerum shrink from the responsibility of his command, even to admit that you had not the right to make the appointment—did he enter upon the duties, and profess to discharge them, and then shrink from the responsibilities?" I assured him that it was so, and that I was then suffering his wrongs. The appointment, I told him, was made conformably with law. He at once exclaimed, "Great God, is it possible!" "Yes, sir, it is so!" I went on to narrate other wrongs. He then directed me to draw up a statement, and hand it to him. I prepared the paper, and exhibited it to Mr. Sturgeon, for his examination. He approved it, and on the 3d of March, handed it to the Secretary, with the remark that as soon as I could have the papers prepared, I would send them. Mr. Upshur observed that they were voluminous; yet, as soon as he had leisure, he would look them over. I remained a week at Washington, and on its expiration, inquired of the chief clerk whether they had been perused. He answered that they were so voluminous that they frightened him, and he doubted whether the Secretary could take up the subject. I then sought a private interview with the President, to whom I opened my case fully. As I progressed, I thought I could perceive in his countenance the same surprise as was manifested by his Secretary. When I had finished my narrative, I told him there was another point to which I would beg leave to refer to his attention. It was a matter connected with the Battle of Lake Erie:—that for 30 years I had unjustly been placed under a cloud, in relation to my part in that affair, but that, accidentally and unexpectedly, I had found the original record of the Court of Inquiry which I had called in 1815, and which I had supposed to be lost. With the record, I also discovered the diagram of the battle as fought, and sworn to by all the witnesses. "I should like to see that," observed the President. "Here it is:" and I presented him a certified copy from the record. "Where was your vessel when Captain Perry came on

board?" "There, sir," pointing to the position on the diagram. "How different this is," remarked Mr. Tyler, "from what I supposed. I never believed you faulty, Commodore, in that transaction!" I then remarked to him, "Now, Mr. Tyler, you cannot do me or yourself a greater piece of justice than to get your Cabinet together, and let one of your ministers read over these pages; and if there is a man among them who then will not believe me egregiously wronged, I will go back to my plough,* and follow it to the end of my sentence without a murmur. Thank God, I can plough as good a furrow as any man in Pennsylvania. I have been in the cloud for thirty years! Give me back my sword, and my child that has been driven from the Navy. That sword I have never disgraced!"

The President replied that he was independent of his ministers,—that he would examine the papers at his farm, and see that justice should be done me. And, my fellow citizens, I have the gratification of saying to you, that I have received full and complete justice at the hands of John Tyler! And here is the evidence!

NAVY DEPARTMENT, Oct. 19th, 1843.

SIR:—The President of the United States, having carefully considered the facts in your case, in connection with evidences recently furnished, and considering, also, the long period of your suspension from the public service, and the gallantry exhibited by you on more than one occasion during the late war with Great Britain, has thought proper to remit the remaining period of your suspension, and to restore you to the public service. You will accordingly consider yourself as waiting orders; your restoration dating from the 18th inst.

Your ob't servant,

DAVID HENSHAW.

COM. J. D. ELLIOTT, U. S. Navy.

To which I responded in the following terms:

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* During my suspension, I turned my attention to agricultural pursuits, and to the improvement chiefly of the fine sheep and swine which I had imported. I had crossed my *broad tail* sheep with the *South Down*, and my Andalusian hog with the Berkshire,—creating stock admirably suited to the Western country. Not having the opportunity of taking my old and brave friend, Col. R. M. Johnson, by the hand, during his visit to Pennsylvania, I presented a few of my best samples to him, through letter, and was favored with the following acknowledgment:

PHILADELPHIA, October 11th, 1842.

My Dear Friend:—

Our excellent friend, Governor Porter, handed me your very interesting favor of the 29th ult. Please to accept my most heartfelt sympathy in every matter, both public and private, that distresses or disturbs your repose. You must ever bear in mind that trials and difficulties are a tax that eminence must always pay. I regret that my time will not permit me the happiness I desire, of communing with you at length. This I must defer until we enjoy the happiness of a meeting, which I hope will be soon.

Accept my thanks for your kind present of the animals. My friend, Governor Porter, will take charge of them, and forward them to me. The specimens of wool are beautiful.

Accept the assurances of my deep regard, and that I am, ever faithfully,

Yours,

R. M. JOHNSON.

COMM. J. D. ELLIOTT.

West Chester, Pa., Oct. 20th, 1843.

Hon. David Henshaw, Secretary of the Navy.

Sir:—Your communication, dated the 19th instant, informing me that the President of the U. States has thought proper to remit the remaining period of my suspension, and to restore me to the public service, with your direction to consider myself as waiting orders, has been received. In return, I tender to the President and yourself my acknowledgments as well for what I deem an act of Executive justice, as for the gratifying manner in which it has been communicated by an old and valued friend; and allow me here to say, that whenever I shall receive orders from the Department, whether on shore or afloat, I shall be ready to obey the call of duty.

I am, very respectfully,
Your obedient servant,
J. D. ELLIOTT.

I have thus presented, in rapid detail, the striking events of my life. They have been varied,—marked, too, by much of undeserved wrong, and cruel injustice. But I find not fault with my country! The injuries which I have received were directed against me by those, who were under the influence of passions which are a reproach with the high minded and honorable. But although my unrelenting enemies have had their reward, I have not been without mine. In seasons of the greatest depression and gloom, my breast was cheered by evidences of unabated regard and lively sympathy on the part of those, whose notice is an honor to any man. Justice, too, has been done me by my country; and for that country and her glory, my heart beats with all its first fervor of affection;—as for its honor and defence, the same sword which has oft been unsheathed in the conflicts with her enemies, and which has never been tarnished, is ready to be grasped, when it may be needed, never to be surrendered but with life!

Since my restoration to rank, I have been honored with the congratulations of my fellow citizens throughout the nation; and for such evidences of interest as I have received, I would almost be willing to undergo still more oppression. Yet even amid all this exhibition of sympathy, this almost universal acknowledgment of the justice which my country has rendered me, my foes, through mortification, have raised their *croakings*, and in certain sections of the land, have given me *a shot* in a few venal prints! I cannot pity them: for in the exercise of commiseration, the object to which it is extended must have some quality to claim it. They have none,—not one redeeming trait in their vile compositions. Nothing is left for them but unmitigated contempt, and I assure them they have it to the full—in pressed measure and running over!

I now have finished my task, which the obligations of gratitude imposed upon me. I do most sincerely thank you for your patience,—from my inmost soul, I thank you for all you have done to your associate of childhood—to the wayward boy of Washington county; and, above all, for what you have done to a dear mother, who long has gone to her rest! I thank you, too, for your friendship to me throughout my life,—for your

unabated interest in my fortune, through good report and evil report. Heaven bless you for all your sympathy, for your kind solicitude; and may you and yours know less of trials and wrongs than it has been my lot to know. To all, I would express the best wishes of their sailor companion for happiness here, and in the world to which the generous and good are exalted, by the Great Captain of Eternal Glory and Unfading Honor!

APPENDIX.

Page 2—Line 3.

By referring to Burnett's "*Letters relating to the early settlement of the North Western Territory,*" the particulars of my father's death will be found to be narrated. They are as follows:

"The hostility of the Indians was manifested, as soon as the Miami settlements began. Mr. Filson, one of the surveyors of Judge Symmes, was killed early in 1789 soon after the first lodgment at this place, and before the town was laid out. Major Wells, an intelligent, enterprising emigrant, from New Jersey, was wounded about the same time. In 1794, Col. Robert Elliott, contractor for supplying the United States' army, while traveling with his servant from Fort Washington to Fort Hamilton, was way-laid by the Indians, and killed. His servant escaped unhurt, and brought in the horse rode by the contractor, at the time he was shot. The Colonel, being somewhat advanced in life wore a wig. The savage who shot him, in haste to take his scalp, drew his knife, and seized him by the hair. To his astonishment, the scalp came off at the first touch. The wretch exclaimed in broken English, "*dam lie!*" In a few moments the surprise of the party was over, and they made themselves merry at the expense of their comrade,* When the servant returned with the information of the disaster, a party went out to the ground, for the purpose of burying the remains of the colonel. While they were depositing the body in a coffin, taken out for the purpose, the Indians attacked them,—killed the servant who was riding the same horse from which his master had been shot, and drove off the rest of the party. They, however, soon returned, and recovered the body, which they brought in, together with that of the servant, and buried them side by side, in the Presbyterian cemetery. Since then, Captain Elliott, of the navy, son of the colonel, has erected over his remains, a neat monument with suitable inscriptions.

The communication of these facts, we understand, was brought about by the circumstance of one of the Indians at the Greenville treaty, having in his possession the pocket book of Colonel Elliott, containing papers and a lock of hair. The book and papers were recognized by one of the American officers as those of Colonel Elliott. The officer purchased them from the Indian, and subsequently handed them over to the Colonel's son, now Commodore Elliott, who still retains them as a memento of his father."

The town of Cincinnati encroaching upon the original grave, my deceased friend, General Harrison wrote me that he had caused the remains of my father, and his faithful servant to be disinterred, and placed in another grave, with those of Major Zeigler, I had inscribed upon my father's tomb.—"In memory of the late Col. Robert Elliott, who fell by the hands of a savage, in the year '94, while engaged in the service of his country. Placed by his son, Commodore Jesse D. Elliott, U. S. N." I directed a space to be left open upon the tomb for such inscription as the friends of Major Zeigler might wish to put there! but they not having had any thing inscribed, I concluded to have a word in memory of my father's faithful and tried servant, Damon, and accordingly have had engraved upon it, "Damon and Fidelity." Many of you, my friends, may still recollect that good old servant when he lived in this town.

While at Paris, in '55, curiosity led me, with my young son, to "Pere la Chase" the Cemetery of Paris. It was on the day, when all the connexions of the departed, visited the tombs to decorate them with flowers, &c. An immense concourse was assembled. I was struck with the beauty of a tomb over the remains of a Field Marshal, and returning from there, I passed through a street, a large portion of which, was appropriated as tombstone establishments. At one of the doors I was attracted by a miniature tombstone, such a one as I had just left in the cemetery, and as it was portable, purchased it with an inscription to be placed thereon. When I returned to pay for it, the man observed to me, that it was singular I should have selected him to prepare the tomb for my father, when he had executed that which had been placed over the body of Lafayette, the friend of American liberty. He went to his desk, and exhibited to me the paper, being the origi-

*The Indians who killed Colonel Elliott, communicated these facts to some of the officers, at the treaty of Greenville, in 1795. They described the manner in which they amused themselves with the wig, after the surprise was over.

nal, furnished by G. W. Lafayette, which contains the inscriptions placed thereon. I asked for a small corner of it only, when he kindly handed the whole of the plan, and inscriptions. Believing that it will be of no common interest with my countrymen, I here give the different inscriptions upon the several sides of the tomb of this noble and generous friend of America, in her war of Independence.

M. T. P. R. Y. G. D.
LAFAYETTE,
Lieutenant Général, membre de la chambre d' et Deputés,
ne le 6 Septembre, 1757,
à Chavaniac des de la haute Loire,
Marie le 11 Avril, 1774,
á M. A. F. de Noailles.
decedé le 20 Mai, 1834.
à Paris—Dep de la Seine.

M. A. F.
de Noailles,
nee a Paris le XI Novembre,
MDCCLIX.
mariée le xi Avril, MDCCLXXIV.
á
M. T. P. R. Y. G. D.
LAFAYETTE.
decédée à Paris le xxvi Décembre,
MDCCCVII.
Requiescat in pace.

M. T. P. R. Y. G. D.
LAFAYETTE,
Lieutenant Général, membre de la chambre d' et Deputés,
né á Chavaniac, haute Loire,
le vi Septembre, MDCCLVII.
marié le xi Aviril, MDCCLXXIV,
a
M. A. F. de Noailles,
decédé á Paris le 20 Mai,
MDCCCXXXIV.
Requiescat in pace.

Page 2—Line 19.

At Syracuse, in 1804, I witnessed an act of consummate courage, on the part of Captain J. Barron. A portion of the crew of the Essex frigate, to which I was attached, and he in command, were on liberty. They became engaged in a fracas with the crew of a French privateer, who attacked our men with knives, wounding a number of them. Apprehensive that the wounds would prove mortal, it became necessary to detain the privateer until the extent of the injuries should be ascertained, accordingly, after the gates had been closed, Captain Barron landed in his gig, whilst I was his aid, and going to the officer of the guard, demanded immediate admission into the town. This, he did in defiance of the officer and his guard, and effected his purpose in having the vessel detained by the authorities.

Note A.

I will relate one which occurred, and in which I was a party. After having delivered my despatches, I was advised by Mr. Pinckney to take lodgings at Hatchell's Hotel, corner of Piccadilly, Dover, with the view of being near his residence, which then was at Great Cumberland Place. On arriving at a late hour at my new lodgings, I went into the dining room, where I was presented with a *bill of fare*. Such a paper was something new to a republican sailor of that day; and to the question of the servant, what I would have, I replied, without comprehending the proper use of his card, "Something to eat." The good fellow, pitying my American simplicity, without further questioning, prepared me a very palatable supper. Whilst engaged with it, a person, having the appearance of a gentleman, took his seat near me, and ordered some refreshment. My uniform somewhat resembling the British, he made free to address me as a countryman, and observed, "I believe there is a Yankee frigate on the coast?" "Yes," was my reply. "What's she after?" he again observed, and continued, "I reckon she's after the Chesapeake affair;

they had better let that alone," &c. He lavished then all manner of abuse against the Yankees, and their country. My blood began to warm, and I drew my card, handed it to him, and observed, "Sir, you are now addressing a Yankee, as you call us, and an officer of the frigate in the Downs. There's my card." He made no signs of his apologizing, or handing me his card. I stept to the person in waiting, and observed, "Sir, you put a scoundrel, instead of a gentleman, in the box with me,—he has grossly insulted me. There's my card; give it to him, and tell him I demand his." But by this time the fellow had slipped out, and I never heard of him afterwards. Mr. Pinckney, hearing of the fracas, advised that I should appear in my plain dress and avoid the multitude, otherwise I would be subjected to many such insults. I followed his counsel, and took such apartments as separated me from the crowd.

Note B.

The following was the official report to the Secretary of the Navy:

Black Rock, October 9, 1812.

Sir:—I have the honor to inform you that on the morning of the 8th instant, two British vessels, which I was informed were his Britannic majesty's brig Detroit, late the United States brig Adams, and the brig Hunter, mounting 14 guns, but which afterwards proved to be the brig Caledonia, both said to be well armed and manned, came down the lake and anchored under the protection of Fort Erie. Having been on the lines for some time, and in a measure inactively employed, I determined to make an attack, and if possible to get possession of them. A strong inducement to this attempt arose from the consideration, that with these two vessels and those which I have purchased and am fitting out, I should be enabled to meet the remainder of the British force on the upper lakes, and save an incalculable expense and labor to the government. On the morning of their arrival, I heard that our seamen were but a short distance from this place, and immediately despatched an express to the officers, directing them to use all possible despatch in getting their men to this place, as I had an important service to perform. On their arrival, which was about 12 o'clock, I discovered that they had only 20 pistols, and neither cutlasses nor battle-axes. But on application to Generals Smyth and Hall, of the regulars and militia, I was supplied with a few arms, and General Smyth was so good, on my request, as immediately to detach 50 men from the regulars, armed with muskets.

By 4 o'clock in the afternoon, I had my men selected and stationed in two boats, which I had previously prepared for the purpose. With these boats, 50 men in each, and under circumstances very disadvantageous, my men having scarcely had time to refresh themselves after a fatiguing march of 500 miles, I put off from the mouth of Buffalo creek at 1 o'clock the following morning, and at 3 I was alongside the vessels. In less than 10 minutes I had the prisoners all secured, the topsails sheeted home, and the vessels under way. Unfortunately, the wind was not sufficiently strong to get us up a rapid current into the lake, where I had understood another armed vessel lay at anchor, and I was obliged to run down the river, by the forts, under a heavy fire of round, grape and canister, from a number of pieces of heavy ordnance, and several pieces of flying artillery, and compelled to anchor at a distance of about 400 yards from their two batteries. After the discharge of the first gun from the flying artillery, I hailed the shore, and observed to the officer, that if another gun was fired, I would bring the prisoners on deck and expose them to the same fate we would all share; but, notwithstanding, they disregarded the caution, and continued a constant and destructive fire. One single moment's reflection determined me not to commit an act that would subject me to the imputation of barbarity. The Caledonia had been beached, in as safe a position as the circumstances would admit of, under one of our batteries at Black Rock. I now brought all the guns of the Detroit on one side, next the enemy, stationed the men at them, and directed a fire which was continued as long as our ammunition lasted and circumstances permitted. During the contest, I endeavoured to get the Detroit on our side, by sending a line, there being no wind, on shore, with all the line I could muster; but the current being so strong that the boat could not reach the shore. I then hailed our shore, and requested that warps should be made fast on land and sent on board; the attempt to all which again proved useless. As the fire was such as would, in all probability, sink the vessel in a short time, I determined to drift down the river, out of the reach of the batteries, and make a stand against the flying artillery. I accordingly cut the cable, made sail with very light airs, and at that instant discovered that the pilot had abandoned me. I dropped astern for about ten minutes, when I was brought up on our shore, upon Squaw Island, got the boarding boat ready, had the prisoners put in and sent on shore, with directions for the officer to return for me and what property we could get from the brig. He did not return, owing to the difficulty of the boat's getting on shore. Discovering a skiff under the counter, I went on shore to bring the boat off. I asked for protection to the brig, of Lieutenant Colonel Scott, who readily gave it. At this moment I discovered a boat, with about 40 soldiers,

from the British side, making for the brig. They got on board, but were soon compelled to abandon her, with the loss of nearly all their crew. During the whole of this morning, both sides of the river kept up alternately a continual fire on the brig, and so much injured her that it was impossible to have floated her. Before I left her, she had several shot of large size in her hends, her sails in ribbons, and rigging all cut to pieces.

To my officers and men I feel under great obligations; to Captain Towson, and Lieutenant Roach, of the 2d regiment of artillery, Ensign Pressman, of the infantry, Captain Chapin, Mr. John McComb, Messrs. John Town, Thomas Dain, Peter Overstock, and James Sloan, resident gentlemen of Buffalo, for their soldier and sailor like conduct. In a word, sir, every man fought as if with their hearts animated only by the interest and honor of their country.

The prisoners I have turned over to the military. The Detroit mounted 6 six-pound long guns, had a commanding lieutenant of marines, a boatswain and gunner, and 56 men, about 30 American prisoners on board, muskets, pistols, cutlasses, and battle-axes. In boarding her I lost one man, had one officer wounded, Mr. John C. Cummings, acting midshipman—a bayonet through the leg; his conduct was correct, and deserves the notice of the department. The Caledonia mounted two small guns, blunderbusses, pistols, muskets, cutlasses, and boarding pikes, 12 men, including officers,—10 prisoners on board. The boat boarding her was commanded by sailing-master George Watts, who performed his duty in a masterly style. But one man killed, and four wounded badly, I am afraid mortally. I enclose you a list of the officers and men engaged in the enterprise, and also a view of the lake and river in the different situations of the attack. In a day or two, I shall forward the names of the prisoners. The Caledonia belongs to the N. W. Company, loaded with furs, worth, I understand, $200,000.

I have the honor to be yours, &c.

JESSE D. ELLIOTT.

The Hon. PAUL HAMILTON, Secretary U. S. Navy.

[*Extract from the Port Folio, of December*, 1814.]

"Lieutenant Elliott knew the vast importance of the command of the Lakes in our war against Canada, and the difficulty and the delay which would attend the building of the vessels, and the expense. He had, in pursuance of his orders, purchased some vessels, but was embarrassed with the difficulty of getting them up the Niagara, and into the Lake; and he resolved to obtain them *ready made*. After revolving all the obstacles, he formed the heroic resolution of capturing two British brigs of war that lay under the protection of the cannon of Fort Erie, (which fortress we took from them since that period.) Elliott accordingly provided two boats, with fifty men in each, and at one o'clock in the morning he came alongside of the Detroit and the Caledonia, lying under the protection of the Fort. He boarded, sword in hand, the two vessels of war, and carried them in ten minutes. He made one hundred and thirty prisoners, with their officers, and released forty of his own countrymen from captivity. They belonged to the 4th U. S. regiment. Elliott entered the first man on boarding, and opposed three of the enemy with no other weapon than his cutlass."

Congress passed the following resolve: "That the President of the United States be, and he is hereby authorized to have distributed, as prize money, to Lieutenant Elliott, his officers and companions, or to their widows and children, *twelve thousand dollars*, for the capture and destruction of the British brig Detroit;" and also, "Resolved, that the President of the United States be, and he is hereby requested to present to Lieutenant Elliott, of the Navy of the United States, an elegant sword, with suitable emblems and devices, in testimony of the just sense entertained by Congress of his gallantry and good conduct in boarding and capturing the British brigs Detroit and Caledonia, while anchored under the protection of Fort Erie."

Page 4—Line 8.

There was a Major Noon in the American army, who, before the war, had been a pedlar. I had occasion, in company with him and General P. B. Porter, to visit Lewistown. On our way, we had to pass the picket guard at Tonawanda, where, a short time previous, a sentinel had been shot on his post, by an Indian from the British side, which had the effect to scare off the whole company of militia, who fled to Lewistown. Another company was sent up, and such was their dread of the station, that they feared the movement of a squirrel in the branches, or the rustling of the leaves. Well, as we drew near the post, we began to think of the countersign, which had not arrived at Black Rock when we left. However, Major Noon at once nobly volunteered to approach and make terms with the sentinel. As he advanced, the sentinel cried out, "Who comes there?" The Major, with much confidence and dignity, replied, "A friend!" But this did not appear satisfactory to Mr. Sentinel, who, doubtless, began to think of straggling Indians,

Capture of the British Brigs DETROIT and CALEDONIA, by Lieut. J. D. ELLIOTT, U. S. N., on the Night of the 8th October, 1812.

No. 1, Buffalo—2, Port Erie—3, Black Rock—4, British Batteries—5, Sailors' Barracks—6, Artillery Cantonment—7, Squaw Island—8, Strawberry Island—9, Detroit aground —10, Caledonia ashore—11, Navy Yard—12, British Artillery—13, Point of Embarkation.

and he shouted at the top of his lungs, "Advance and give the countersign, or I'll shoot you, by God!" at the same time dropping and cocking his gun. The Major, seeing the fix he was in, and having no other resort, cried out, "For Christ's sake, sentinel, don't shoot, for its *Darby Noon, the pedlar!*" affording infinite amusement for General Porter and myself, who stood at a distance.

Note C.

[COPY.] MADISON, NEW JERSEY, March 22, 1843.

DEAR SIR:—In reply to your letter of the 8th inst., I state that immediately after the debarkation of the troops destined to attack York, Upper Canada, in the spring of 1813, you *resumed* the command of the U. S. schooner Conquest. This vessel, under your direction, was worked to windward, against a strong wind, and brought to anchor abreast of the flag-staff and batteries, within short range; and I have every reason to believe rendered very efficient service on that occasion.

During the action the fire on both sides was hot and incessant, and resulted in the loss, on board the Conquest, of Midshipman Hatfield, killed, and one man wounded.

Previous to the attack on the forts, Mr. Benjamin Querean, a sailmaker in the service, and a volunteer on board that vessel, was mortally wounded in one of the boats, while gallantly forcing his way to the shore, ahead of the troops, under a galling fire from the enemy.

Nearly thirty years have rolled by since these events transpired, and you have *deservedly* attained the highest rank in the service, whilst I most *undeservedly* remain in one of the lowest.

With sentiments of true regard,
I remain, very respectfully,
F. MALLOBY, Master U. S. N.

To Com. J. D. ELLIOTT, U. S. N.

A true copy of the original on file in this Department.
[Signed] A. THO. SMITH, Chief Clerk.
Navy Department, 31 March, 1843.

Page 6—2d paragraph from bottom.

Annexed is given the Diagram recently discovered among the archives of the Navy Department, and certified to be a correct copy by the Clerk of Records, &c. It will be seen that it presents the relative positions of the respective vessels, as sworn to by all the officers before the Court of Inquiry,—as described by Cooper in his Naval History,—and invariably insisted upon by myself. It is a faithful transcript from the original, spread before the Court of 1815, and supplies an irrefutable evidence of the truth of the account always given by others and myself, engaged on the memorable occasion. At length, after a series of unmitigated persecutions and vile slanders, for nearly thirty years, the evidence has been brought to light, and my traducers are overwhelmed by its irresistible force and conclusiveness!

The next Diagram is that attempted to be palmed upon the world by T. Burgess, of Rhode Island, and which has all the marks of being the work of a *cunning* pettifogger of a Justice's Court, prepared to undertake any matter, *for a consideration*, however dirty or vile. Its egregiously stupid arrangement shows its utter variance with the facts as given by all the witnesses examined, and if the chart of the above *amiable gentleman* to Heaven, is not more faithfully laid down, he will assuredly miss the path which alone leads to immortal rewards!

Note D.

Mr. TATEM, Master's Mate on board the Niagara, was sworn.

Q. By the Judge Advocate—Did Captain Elliott do all in his power to close in with the Lawrence when she was overpowered by the enemy's vessels firing into her?

A. He did.

Q. Did he get up in time to afford her relief?

A. We were never much out of the way. We were immediately under the Caledonia's stern, and the Lawrence about the length of the Caledonia ahead of the latter. The three brigs were in compact line.

Q. Was Capt. Elliott's conduct during the action, such as merited approbation?

A. I thought at the time no man could display more zeal, gallantry and good conduct than he did.

Q. Did you observe any appearance of an intention on his part to withdraw from the enemy, when the Lawrence was disabled?

Fold-out Placeholder

his fold-out is being digitized, and will be inserted at a future date.

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A. No; far from it.

Q. Did the Niagara, at any time during the action, make off from the British fleet?

A. No.

Q. Did the Lawrence and Caledonia, at any time, bear up, and place themselves within musket shot distance from the enemy, leaving the Niagara three quarters of a mile off, firing at the enemy's smaller vessels?

A. No; until we passed the Caledonia, we were immediately under her stern.

Q. By Capt. Elliott—What conversation passed between me and Capt. Perry, when I returned on board the Niagara?

A. I saw Capt. Perry shake hands with Capt. Elliott, and heard him express his high satisfaction at Capt. Elliott's conduct, and attribute to him a large share of the glory of the day.

Q. How near was Capt. Elliott to the Lawrence when passing her?

A. He took very little more than room enough to pass to the windward.

Q. Was the Niagara three quarters of a mile on the bow of the Lawrence, when Capt. Perry came on board?

A. No; I should suppose not more than 60 or 70 yards, if that.

Q. Was not the helm up, and the Niagara bearing down on the enemy when Capt. Perry came on board?

A. Yes.

Q. Had you been an officer on board the Lawrence, would you have supposed there was any deficiency in the conduct of Capt. Elliott in coming to the relief of the Lawrence?

A. No one seeing what was going on could suppose so—for my own part, I should not.

NOTE.—In addition to the above conclusive testimony, a friend has stated to me, "that on the 19th day of December, 1843, he was authorized by Mr. Tatem, in person, to mention that he had long known Commodore Elliott, and always regarded him as a brave, honorable, and skilful officer,—that in the Battle of Lake Erie he noticed his conduct to be that of a bold and daring soldier, and that, in his opinion, a great measure of its glorious result is to be ascribed to his superior judgment and emprize. He further stated that he heard Commodore Perry declare that he was much indebted to Commodore Elliott for the triumphant result of that renowned conflict. Mr. Tatem concluded with the emphatic declaration that, in his opinion, Commodore Elliott had not his superior in any Navy, for bravery or skill in his profession."

CAPTAIN BREVOORT'S CERTIFICATE.

On the evening of the 9th Sept. 1813, Capt. Oliver H. Perry called on board the Niagara, to see Capt. Elliott and myself; we not being on board, word was left to call on board the Lawrence on our return; whether we went immediately or not, I cannot say, as it was known he was on shore; it is my impression we waited, and all three went on board the Lawrence together, where we spent the evening. It was then determined to attack the enemy next day at their anchorage, Capt. Elliott to lead the van.

Early on the morning of the 10th, the vessels were short speak by signal, and were preparing to get under weigh, when a signal from the Lawrence informed us the enemy were in sight to windward. The wind being very light, boats were got ahead, and every exertion made to get the fleet out, which we succeeded in, when the wind changed in our favor, though very light. We were close together, when, by Capt. Perry's request, I pointed out the different ships; he determined to attack the heavy ship himself, by which the arrangements of the previous evening were done away. The Lawrence to lead and attack the Detroit; the Caledonia, the Hunter; the Niagara, the Charlotte, and so on. The enemy opened the fire from the Detroit at a very great distance, and very little damage was done on either side for some time; at length the battle became pretty general with the three leading vessels. Seeing the Lawrence bearing the heaviest part of the battle, (though the Ariel and Porcupine were a little to windward and ahead, to draw part of the enemy's fire off,) Capt. Elliott determined to break the line and make more sail, and ran close to the Caledonia, and requested Mr. Turner to bear up and let him pass to the assistance of the Lawrence, which he did. We had now a better opportunity with the Charlotte, and continued a heavy fire on her. Coming near the Lawrence, a boat was discovered coming off from her, which soon passed under our stern, and came to our larboard gangway, when Capt. Perry came on board, and observed, "the damned gunboats have ruined me, and I am afraid they have lost me the day." Capt. Elliott observed, "take charge of my battery, and I'll bring them up and save it," or words to that effect. Something was then asked about the crew being much injured, &c., when Capt. Elliott immediately departed.

Capt. Perry then directed the vessel laid close to the large ship, and observed to me, that she was much injured, and would not give her up. The engagement now became

very warm, the gunboats getting up very fast; the smoke clearing a little away, the Lady Prevost was seen dead ahead of us; Capt. Perry directed her decks cleared by the marines, which was soon done, and her colors struck, or shot away. By this time some of the gunboats were up, particularly the one Capt. Elliott was on board of, raking the large ship, which soon struck her colors, as well as the Charlotte and others.

When Capt. Elliott came on board, Capt. Perry shook him by the hand, and observed, "I owe this to you." Indeed, I thought he paid him a very high compliment. Lieut. Smith, nor no other person, ever mentioned to me that they heard what was passing at the time between them, when Capt. Perry came on board, as he was on the opposite side at his quarters

H. B BREVOORT.

Detroit, Nov. 7, 1818.

Sworn to before Geo. M'Dougall, Notary Public, Michigan Territory, Nov. 7, 1818.

Erie, Nov. 1, 1813.

Sir:—To my astonishment and surprise, on my arrival at this place, I discovered some malicious persons had, with uncommon industry, circulated a report prejudicial to the character of our mutual friend, Captain Elliott. Now, sir, I was on board the Niagara with Captain Elliott, in the character of a marine officer, and during the action I do most solemnly declare his conduct to have been such as went to establish him in my confidence as a brave, correct and humane man; and it is with no small degree of satisfaction I do assure you that it was his vessel, his conduct and exertions, that at this moment crown our country with the victory it has obtained. I am sure you will join in opinion with me, that the above statement is but a faint sketch, when I give you the words of Capt. Perry when he came on board. He observed that he believed the day was lost, as two-thirds of his men were either killed or wounded, and his vessel could give no further assistance. "No!" said Elliott, "I can yet save it!" "I wish to God you would," said Perry. "Take charge of my battery while I bring the gunboats in close action, and the day will yet be ours." After the action was over, and Captain Elliott came on board, Captain Perry ran and caught hold of his hand, saying, "I owe all this to your exertions; it has given us the day." I also enclose you a paper, containing Captain Perry's letter to Captain Elliott, in which he gives him much credit for beating off the Royal Charlotte, &c.

Believe me to be, &c.

H. B. BREVOORT,
Capt. 2d Regt. U. S. In.

Maj. James S. Swearingen.

Mr. Cummings, acting Midshipman on board the Niagara, was sworn.

Q. By the Court—Did Capt. Elliott do all in his power to gain a near position to the enemy?

A. Yes; in my opinion, every thing that he could do.

Q. Do you believe Capt. Elliott did every thing he ought to have done in the action?

A. Yes.

Q. Did the Niagara attempt to make off from the enemy's fleet during the action?

A. No.

Q. Did the enemy's ship Queen Charlotte attempt to make off from the Niagara?

A. Yes; the Queen Charlotte attempted to get away from us, and in so doing run foul of the Detroit. This was before Capt. Elliott left the Niagara to go on board the gunboats.

Q. Where was the Niagara when Capt. Perry came on board of her? and was the Lawrence at that time three-quarters of a mile nearer the enemy than the Niagara?

A. The Niagara was lying alongside the enemy's ships Queen Charlotte and Detroit. I think she was not more than two cables length from them. I think we were nearer the enemy than the Lawrence.

Q. When we passed the Lawrence how near were we to her?

A. I was not looking at her, but the first time I saw her, after we passed her, she was not more than a quarter of a mile off.

Q. Did the Lawrence and Caledonia, at any time during the action, bear up for the enemy, leaving the Niagara standing on to windward?

A. No; not that I saw.

Q. Did Capt. Elliott order the Caledonia out of the line at any period of the action?

A. Yes; an hour before Capt. Perry came on board.

Washington, November 22d, 1818.

Sir:—Since my arrival at this place, I have understood that assertions have been made calculated to injure you as an officer, which, as far as I am capable of judging, are false.

From the station that I had in the maintop, I could not see the rest of the squadron ahead, but I heard you, some time before Capt. Perry came on board, order the Caledonia out of the way, that you could shoot ahead. We were then engaged with the Queen Charlotte and Lady Prevost; the latter vessel attempted to cross our bow; you called boarders away, which prevented her. On Capt. Perry coming on board, he had some conversation with you, which I could not hear, but Lieut. and Mid. Smiths stated to me that they heard Capt. Perry say to you that the day was lost. You answered that you thought not; that you would bring the small vessels into action; which he agreed to. You then left the ship. Shortly after, I was wounded, and saw no more of the action. All the officers of our squadron, and the British, that I saw, spoke in the highest terms of the manner you conducted your brig. Your conduct on the night of the 8th October would convince any man that would be convinced, that no opportunity would be passed over, or any exertions spared by you, to serve your country. As to your endeavouring to prejudice the officers against Capt. Perry, after the action, I never heard any thing of it while on the station.

I have the honor to be,
With the greatest respect and esteem,
JOHN L. CUMMINGS, Lieut. U. S. N.

Capt. JESSE D. ELLIOTT.

NOTE.—The name of Cummings recals to mind one of the noblest spirits that the nation ever possessed. When I first met him, a mere lad, on the Lakes, in a subordinate station, I was at once struck with his manly bearing and ardent enterprize; and the impression then received, was every day confirmed. He was in the expedition against the Detroit and Caledonia, and after he had leaped on the deck of the former, was transfixed through the thigh with the bayonet of a soldier. He relieved himself promptly from his *uncomfortable confinement* by drawing a pistol from his belt, and shooting the fellow down. His gallantry—for he was gallant, though only a boy—induced me to exert myself to procure him a Midshipman's warrant; and I remember that, when announcing my success, he could not believe it, until receiving the appointment, the fine fellow actually shed tears of joy! Having drawn his prize money, which was something considerable, he took it all to a friend, and requested that it might be secured in the best possible manner. Several stocks or securities were mentioned, as yielding choice advantages to him, when he remarked, "I don't care, make it safe—I give one-half to my mother." This filial piety was one of the ruling principles of his life. His frequent requests for active duty to the Navy Department, drew the attention of the Secretary, who asked him if he expected to monopolize the service, and give us others a chance? He hesitated in his answer, and the Secretary, noticing his confusion, kindly urged him frankly to say why it was that he never took any relaxation. "Sir," said he, "I wish to aid my mother and sisters as much as I can by my pay. When I am on shore, I am obliged to spend more money than I wish, and to be more expensive in my dress than when afloat, receiving full pay, and out of the temptation of extravagance!"

On one occasion, when dining with General Bloomfield, in Burlington, N. J, he mentioned, after dinner, that an old lady in the town was very anxious to see me, and if agreeable, he would accompany me to her house. I accordingly was taken by my friend to the widowed mother of young Cummings, who was a Quakeress, very infirm, and hard of hearing. The General had two or three times to repeat my name before she understood it, when at last she exclaimed, "Why thou art the man that took my son Johnny to fight!" I told her that I did not do so, but that I found him fighting like a hero, and only kept him at the work, as a good friend. "Well, such I believe thou art!" answered the good lady.

From the Evening Post of 21st March.

COMMODORES PERRY AND ELLIOTT—BATTLE ON LAKE ERIE.

As you published a notice of a diagram of the Battle of Lake Erie having been found in the Navy Department at Washington, not having seen the diagram, of course I cannot say by whom it was executed, but I think it probable that it is similar to one obtained through my means. Be that as it may, I beg you will allow me to make a few observations, &c. in your paper, touching the subject; which seems to me necessary, in justice to Com. Perry, and also Com. Elliott.

Immediately after the glorious victory gained by Com. Perry and his gallant crew, on Lake Erie, I, in connection with the then distinguished engravers, Messrs. Murray, Fairman & Co, of Philadelphia, despatched one of the best artists in our country to Lake Erie, (where the victorious and vanquished fleets then lay,) for the express purpose of making two correct views or diagrams of the action. Mr. Kearney, the artist employed, with the assistance of the American and British officers, succeeded in procuring two cor-

reet views of the battle. When the artist returned and had completed the drawings, it being very desirable that Com. Perry should see them and make corrections, if necessary, previous to putting them into the hands of the engravers, I went on to Newport, R. I., and there met Commodore Perry immediately on his return from the Lake, after the action. After the Commodore had given the drawings a careful examination, he pronounced them faithful diagrams, &c. of the battle. I remained at Newport several days; this gave me frequent opportunities of holding conversations with the Commodore in relation to the battle, &c. Some remarks having been made in the papers of the day, respecting the Niagara, commanded by Lieutenant or Captain Elliott, not coming into action at the time of the others, I took an opportunity to say to Commodore Perry, "Do you think any blame is to be attached to the commander of the Niagara for not bringing her into the action sooner?" He promptly replied—"No, sir. With her position when the action commenced, and the wind she had to contend with, no officer could have done better than Elliott did." He continued—"After my ship had become disabled, and seeing from the course the Niagara was pursuing, that she evidently must break the enemy's line, and in their crippled condition victory must perch on our banner,—at this eventful moment I got into my boat and made for the Niagara, and took command of her, which resulted, as I anticipated, in our victory; but I must say, in justice to Elliott, that the result must have been the same had I not taken the command of the Niagara."*

It must be borne in mind that this conversation, and the examination of the drawings, took place a few weeks after the battle, and although a length of time has now elapsed since, yet I felt such an interest in the concern, that the impression is still strong on my mind; and I believe I have almost given the very words, but if not, certainly the substance of the conversation I had with Commodore Perry.

I take this occasion to state, that splendid engravings, from the drawings above alluded to, with my name attached to them as publisher, were executed. They correspond in size with the splendid engravings representing the captures of the British frigates Guerriere and Macedonian, also published by me.

In commemorating the battle under consideration, I regret to say that I expended and sunk several thousand dollars.

JAMES WEBSTER,
Publisher of the People's Democratic Guide, &c.

New York, 11th March, 1843.

P. S. The splendid engravings representing the above mentioned battles, may be seen on the walls of many of the parlors in the United States.

At the commencement of the action between the American and British fleets on Lake Erie, the brig Niagara was in the station which had been assigned her, and appeared to behave well. When the signal was made for closer action, that vessel was near the enemy's ships Detroit and Queen Charlotte, keeping up a well directed fire; and the conduct of Capt. Elliott in bringing the smaller vessels into close action, evinced the utmost activity and bravery.

A. H. M. CONKLING,
Lt. Comdg. Schr. Tigress.

Lieutenant Conkling commanded the vessel immediately astern of the Niagara.

ERIE, Oct. 28, 1813.

SIR:—In answer to your note of yesterday, I have no hesitation in saying that the Niagara *was in the station assigned her*, previous to the engagement of the 10th; and it is my opinion that you, sir, and every officer on board of the Niagara, made use of every exertion, from the different situations in which your vessel was.

Respectfully, sir, your ob't serv't.
DANIEL TURNER.

Capt. JESSE D. ELLIOTT.

NOTE.—The above letter of D. Turner, who commanded the vessel ahead of me, was freely and promptly given, in reply to a plain request for the facts of the case. Lieut. Conkling's certificate was a spontaneous communication, after the receipt of anonymous letters, which unjustly, in his view, attempted to lessen my claim to merit in the battle.

* In the first view of the action, Commodore Perry is represented as passing in an open boat from his disabled ship, the Lawrence, to the Niagara, then under way to break the enemy's line, &c. In the second view, he is represented in the midst of the enemy's fleet, battering them from both sides, which soon decided the fight in favor of the American Tars.

Page 8—7th line of 2d paragraph.

In the battle of Lake Erie, two Indian chiefs, of the Sioux tribe, were on board the British ship Detroit, and placed in the maintop, for the purpose, doubtless, of an advantageous position for picking off our officers with their deadly rifles. They did not, however, remain long in that elevated station. Our shot taking effect aloft, caused them to believe the fire of our guns was solely directed at them, and they therefore descended to the deck, where, too, they found the shot falling. Informing Captain Barclay that the Americans were aiming all at them, and asking where they should go for safety, the Captain, fearful their show of timidity might have a bad influence upon his men, at once ordered them below, where they remained safely enseconced until two days after the battle. Inquiry was then made by some of the British officers, (prisoners,) all of whom were on board my vessel, about the two Indians, when it was stated, and overheard by me, they were yet secreted in the cable tiers of the ship. Captain Perry, being informed of this, ordered them to be brought on board, and asked them what they were doing there. One of them answered—"We come with the one-armed father, to see Yankee killed." He again asked them if they would come again, when they replied—"No, not in the big canoe." After a conference in regard to the disposition to be made of the Indians, we concluded to send them back to the British side, that they might tell the tale themselves, and thus create intimidation among the rest of the tribe

When I went on board the Detroit, the first thing that attracted my attention was a huge bear, which was brought for the purpose, as I afterwards learned, of slaughtering, and making a feast, after the Americans should be defeated. But how changed the scene; instead of serving as a luxury for those who had brought him, he was now licking some of their very blood from the deck of their own ship!

Page 9—Line 6.

The Hon. Henry Clay, when the new army bill was discussed in the House of Representatives, January, 1813, said—"The capture of the Detroit, and the destruction of the Caledonia, (whether placed to our maritime or land account,) for judgment, skill, and courage on the part of Lieutenant (now Commodore) Elliott, HAS NEVER BEEN SURPASSED!" See National Intelligencer, February 6, 1813, No. 1932.

Page 11—Line 21.

Extract of a letter from Commodore Isaac Chauncey to the Secretary of the Navy, dated on board the

U. S. SHIP SUPERIOR,
Off Kingston, August 10th, 1814.

"I got under way at 4 o'clock in the morning of the 1st instant, and steered for the mouth of the Niagara. Owing to light winds, I did not arrive off there before the 5th. Here we intercepted one of the enemy's brigs, running over from York to Niagara with troops, and ran her on shore, about six miles to the westward of Fort George. I ordered the Sylph in, to anchor as near to the enemy as she could with safety, and to destroy her. Captain Elliott run in, in a very gallant manner, to within from 300 to 500 yards of her, and was about anchoring, when the enemy set fire to her, and she soon after blew up."

Note E.

The following delectable article is extracted from "The Life of Commodore O. H. Perry, by A. S. Mackenzie," for the purpose of exhibiting it as one evidence, from a thousand others, of the faith to be reposed in that veracious history,—so far, at least, as I am concerned. The letter from Com. Perry shows, at one glance, the entire truth of the affair of the Thames; and beyond it, no one in the wide world, and in this our day, will consider another remark to be necessary. Nor would one now be given, were it not that the integrity of history must be preserved.

Extract from the Life of O. H. Perry, page 318, Harper's edition, 1840:—

"We have seen that on the fourth of October, the day preceding the Battle of the Thames, by agreement between General Harrison and Perry, the three gunboats, Scorpion, Tigress, and Porcupine, had been left with the boats containing the baggage, and a guard of infantry, to await the farther movements of the army, at a point where the river becoming narrower, and the banks steep and thickly wooded, rendered the advance of the vessels perilous, by exposing their decks to the fire of the enemy, and preventing them from the use of their artillery. Captain Elliott had been left in command of these ves-

sels. Instead, however, of remaining at the post assigned him, fulfilling its duties, whether important or unimportant, like a faithful officer, he continued to follow the army up the river, and in fact ascended to within three miles of the battle ground, where he took possession of the vessels, laden with valuable stores, which had been captured shortly before by the army. Captain Elliott thereby not only committed the great military fault of disobeying the orders of his superior, without the occurrence of any circumstance not contemplated by that superior, or other assignable motive than caprice and waywardness, but he exposed his own vessels to destruction, without the means of resistance, the baggage to possible capture from a marauding band of Indians, and in case of the defeat of the army, broke up those precautionary measures of the commanding General and Commodore, by which the retiring army would have found, at a given point, a force stationed to cover its retreat, and the means of re-embarkation."

Note referred to on Page 13.

As the cause of my being at that position in the Thames appears to be misstated, it becomes necessary to acquaint you of my movement in the squadron, and the use for which the gunboats were intended. At the request of Capt. Perry and Gen. Harrison, I became a member of a council, called on the morning of our departure in pursuit of the British, at which were present, Gen. Harrison, Gov. Shelby, Maj. Gen. Deshea, Maj. Gen. Chalmers, Maj. Gen. Henry, and other Kentucky officers I do not recollect; as also, Gen. M'Arthur, Gen. Cass, Col. Gaines, three aids-de-camp of Gov. Shelby, Maj. Barry, Maj. Chambers, Maj. Crittenden, and Lieut. O'Falan. Gen. Harrison observed that his object in getting us together was to consult on the ulterior operations of the army. He suggested, that as the British had retreated, it would be well to direct our attention to the reduction of Mackinaw, and the Brigade of Gen. M'Arthur, and a portion of the fleet, and myself, to proceed for that object, under our directions. However, an entire want of provisions for both the navy and army, interposing an objection, Gov. Shelby remarked, with emphasis, that he came here to fight Proctor! Gen. Harrison spoke of the impossibility of coming up to him without cavalry, when Shelby remarked that Johnson was on the other side, with his regiment—cross him, and my life upon it, we can come up with him. This being assented to the army was put in motion*—the squadron under my direction—the Niagara, Lady Prevost, Caledonia, Ariel, Porcupine, Tigress, and Trippe—for the purpose of making a combined attack on the British forces, at a place on the Thames, called Dallston. I anchored the brigs at the mouth of the Thames, on Lake St. Clair, and with three gunboats, in conjunction with the army, proceeded up. On entering the Thames, I observed a group of British officers, who proved to be Proctor, Tecumseh, and the field officers of the British army, at whom I fired a shot, which was near taking effect, and before loading again, they dispersed. We arrived at Dallston, a point which Proctor subsequently, it appears, left, contrary to the wishes of Tecumseh, evidently for a place where he could have a better opportunity of retreat. The British gunboats, under the quarter-master, ascended the river until they could go no farther, when they were set fire to, and blown up. My own boats grounded. Here, Lt. Col. Owens, of the regular army, stated to me that he was instructed by Gen. Harrison to remain there, not, as has been said, for a point of retreat, but for the purpose of protecting my men from being picked off by the straggling Indians. On the following day, about noon—a short time after the discharge of two pieces of artillery—one of Col Johnson's mounted men came to the bank of the river, and informed me he had a letter from Capt. Perry, and which is the letter above alluded to. Thus you perceive the glaring falsity of the charge that I disobeyed orders.

Page 13—*7th line from bottom.*

ADDITIONAL DOCUMENTS RELATING TO THE BATTLE OF LAKE ERIE.

The following letter to the Secretary of the Navy, will show the malignancy and recklessness of the charge that I avoided a scrutiny into my conduct in the battle of Lake Erie. It is on file in the Department.

(COPY.)

U. S. BRIG NIAGARA, January 1st, 1814

SIR:—From the many anonymous letters I have received on the subject of the action of the 10th Sept., 1813, I am now induced to ask of the Government that a Court of In-

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* Johnson was at this time supposed to be 300 miles distant.

quiry may be instituted, to inquire into all the circumstances of the action. It was my intention, after having perused Capt. Perry's official letter on that subject, to have made a statement to the Department, portraying all the facts, when, after writing that letter, and passing it to my officers for examination and correction, I was happily informed that, UNAUTHORIZED, the commissioned officers of the Niagara, having discovered their commander neglected, had passed three communications to the world,—one to the government, one to the senior officer of the Lakes, and one to our countrymen. I have now to request that that communication may be passed to the Executive of our common country, and that the officers composing the Court may consist of those who are fully capable of judging of the merits of the case; and in that inquiry, the government will be made acquainted with the fact that at the time the U. S. B. Lawrence struck her flag, that the senior officer was in despair, and the most important part of his fleet not in close action.

Respectfully, J. D. ELLIOTT.

To Hon. WM. JONES, Sec'y of Navy.

The above was written in consequence of the following, and numerous similar communications:

SACKETT'S HARBOUR, 8th Dec. 1813.

MY DEAR SIR:—Your favor of the 7th ult. was handed to me by Mr. Webster. I regret, my dear friend, that I cannot allow you to go home this winter; if I could have half an hour's conversation with you, I could convince you it would be improper. You know the high responsibilities of my situation, and you also know that I am not without my enemies. If an accident should happen upon either station, it would place me in an unpleasant situation.

With respect to your merits as an officer, all who have the pleasure of knowing you, know that they are great; and if Capt. Perry has not placed your services in that point of view which became his duty to do, you ought, in justice to yourself, to make a proper representation of the facts to the Department. I have been much occupied lately, and for the last week, with Capt. Leonard's trial. When I have a little more time, I will write you fully. I most sincerely hope that before this time you have heard that Mrs. Elliott has quite recovered. In great haste, most faithfully

Yours, I. CHAUNCEY.

J. D. ELLIOTT, ESQ.

The letters alluded to in my application for a Court of Inquiry, will be found among the following papers.

U. S. BRIG NIAGARA, Sept. 19, 1813.

CAPTAIN ELLIOTT:

Sir,—We, the officers of the U. S. Brig Niagara, under your commmand, with the most profound respect, congratulate you on our late victory over the British squadron; well convinced that in you we were ably commanded, and that your valor, intrepidity and skill could not be surpassed. You have, sir, our most ardent wish for future prosperity and happiness, both in your official and private capacity, and may your future naval career ever be as brilliant as the present.

Receive, sir, the assurance of our greatest respect.

J. E. SMITH, Lieut.
H. MAGRATH, Purser.
NELSON WEBSTER, Lieut.
J. J. EDWARDS, Lieut.
ROBERT B. BARTON, Surgeon.
H. B. BREVOORT, 2d U. S. Infantry.

LETTER FROM THE OFFICERS ON BOARD THE NIAGARA TO THE SECRETARY OF THE NAVY.

U. S. SLOOP NIAGARA, 13th Oct.
At anchor off Detroit, U. C.

RESPECTED SIR:—We have with regret seen the condensed, and suffer us to add, the partial statements of the late action on Lake Erie, and induced by motives of the warmest admiration and greatest respect for our commander, Capt J. D. Elliott, we take the liberty of laying before you our combined observations on the above late action, and

knowing as we do your power of discrimination and impartiality of judgment, we commit it to you with full confidence of its universal evidence and consideration.

On the 10th September, 1813, while lying in Put-in-Bay, the enemy's fleet was discovered from the Lawrence's mast head. At 5 A. M. signal 1205, our squadron weighed and commenced beating out of the bay, in company, the Lawrence, Captain Perry, the Niagara, Captain Elliott, the Caledonia, Ariel, Scorpion, Somers, Porcupine, Tigress, and Trippe. At 6 A. M, discovered the sails in the Western board to be the enemy's squadron, consisting of two ships, two brigs, one schooner, one sloop of war, with their larboard tacks on board, standing to the southward, under easy sail, our squadron using all possible exertion to join them by beating out of the bay. Kept our wind on the larboard tack, in order to preserve the weather gage, which was effected. Observed the enemy's squadron to form in line of battle ahead, in the following order:—the Detroit leading the van; brig Hunter, Queen Charlotte, Lady Prevost, Chippeway, and Little Belt. Our squadron forming in line of battle in the following order:—Schooner Ariel of four, and Scorpion of two guns, on the Lawrence's weather bow, the Lawrence, Captain Perry, leading the van; the Caledonia, the Niagara, the Porcupine, the Somers, Tigress, and the Trippe. At a quarter before 12, the enemy's ship Detroit commenced firing on our headmost vessels, distance computed at one mile and a half. At meridian, the action became general and closer, the whole of the enemy's fire being directed at the Lawrence, Caledonia, and Niagara. The Lawrence labored under a very great disadvantage at this time; observing her shot to fall short of the Detroit, who, having long guns, placed her shot in the Lawrence deliberately, and at discretion. This, in our opinion, is one reason why the Lawrence became so shattered. The Niagara's position was close astern of the Caledonia, which she maintained, and being a little abaft the weather beam of the Queen Charlotte, abreast of the Lady Prevost and rest of the enemy's squadron, the whole of whose fire she sustained. At this time the Queen Charlotte was discovered to bear up, and stand away from the Niagara's fire. Captain Elliott ordered the fore and aft mainsail to be hauled out and the jib sheet aft, in order to come up with her, she being the vessel we meant particularly to engage. The Queen Charlotte having gained the Detroit's lee, and the Lawrence gaining ahead, Captain Elliott ordered the Caledonia to bear up and leave us room to close with the Lawrence, which was done, and the action carried on with great vigor and spirit on both sides. The most of our fire was now directed against the Queen Charlotte, (she having regained the line,) Lady Prevost, and Little Belt. We now ranged ahead, receiving the combined fires of the Detroit, Queen Charlotte, and Lady Prevost. The Lawrence, some time previous to this, had dropped astern, much shattered and useless. Captain Perry left her and came on board the Niagara; he observed to Captain Elliott that he apprehended the action was lost, who, with the spirit and promptitude we have been accustomed to see him exert, replied, No, sir, I will yet try and save the day; he accordingly repaired on board, and taking the direction of one of the small vessels, brought the whole of them into action at close musket shot; the consequence was that in ten minutes the Detroit and Queen Charlotte, with the Lady Prevost, struck to us, and soon after the whole of the enemy's squadron followed their example. The Lawrence had some minutes before this struck her colors, and hauled out of the line. You will perceive, sir, by this account, that the Niagara was most usefully and energetically engaged during the action, and the gallant manner and the celerity with which the small vessels were brought into action, and the instant change effected by it, ranks Captain Elliott in our opinion as SECOND TO NONE in the attainment of the late action.

We are unwilling to quit the subject without expressing our estimation of our noble commander. We feel it a duty to him and ourselves to express our opinion of his conduct during the action, which was manifested by his cool, brave and judicious deportment, and are firmly of opinion, that his valor could not be surpassed by any; and that in him the American flag has a most zealous, skilful and heroic defender. We have here endeavored, sir, to give you a succinct and minute account of the action, from the commencement to the close: in doing this, we have been actuated by unprejudiced love and respect for Captain Elliott.

We have the honor to be, sir, your obedient servants,

J. E. SMITH, Lieut.
H. MAGRATH, Purser.
J. J. EDWARDS, Lieut.
NELSON WEBSTER, A. M
A. B. BREVOORT, Capt. 2d Reg. U. S. In.

Hon. WM. JONES, Secretary of the Navy, Washington.

TO THE EDITOR OF THE ERIE SENTINEL.

Some persons, actuated by base and unworthy motives, have falsely and maliciously caused the public opinion to be unfavorably impressed with the conduct of Captain Elliott in the Niagara, on the 10th of September. I believe there are many who entertain the erroneous opinion that the Niagara rendered no assistance to the Lawrence. The subjoined notes of Captains Perry and Elliott, I hope, will remove these impressions. I can, from my own knowledge, declare Captain Elliott's conduct to have been such as merits the applause of his country. His brave and gallant conduct was signal to all on board the Niagara, and, in my opinion, could not have been surpassed. He remarked to me repeatedly in the action, that we were not as close alongside the enemy as he wished, that we left their long guns too much superiority, and that he was certain, if close alongside the Queen Charlotte, ten minutes would determine the contest in our favor. From a few minutes after the commencement of the action, the enemy being formed very close in a line ahead, their shot came over us in every direction, and repeatedly hulled us. Our position was preserved as I believe the line was intended to be formed during the action; the Caledonia being so close ahead of us, that we were obliged frequently to keep the main yard braced sharp aback, to keep from going foul of her. Finding the Queen Charlotte to make sail ahead from our fire, as we supposed, Captain Elliott hailed the Caledonia, and ordered her helm put up, which was done, and the Niagara passed ahead by filling the maintopsail, and setting the jib and fore and aft mainsails. The Niagara then closed in the wake of the Lawrence, and continued the action with the usual vigor until the Lawrence dropped astern, when it is well known that the Niagara almost instantly became abreast of the Detroit and Queen Charlotte, which could not have been the case had she been a long distance astern. I feel it my duty also to observe that the Lawrence, until near the close of the engagement, bore a greater proportion of the fire of the Detroit and Queen Charlotte, and from the Detroit's long guns, which pierced through her, she suffered considerably more in every respect than the Niagara. Captain Elliott's volunteering to bring into close action all our small vessels, which was nobly and heroically executed, aided by the exertions of their commanders, produced the brilliant victory which warms with just pride the bosom of every American.

HUMPHREY MAGRATH.

Although the Secretary had declined granting the Court of Inquiry, requested in my letter of January 1st, 1814, from reasons flattering to myself, yet it is not too much to say that Government was determined that a due sense of my services should not be equivocally expressed on the proper occasion. Accordingly the Secretary of the Navy made a report to Congress, in reference to the Battle of Lake Erie, from motives that can easily be understood. If his views of my merits had been too flattering, and led him to consider them with undeserved favor, the report would be scrutinized by the Representatives of a nation interested in an award of stern justice to all her servants. They would not allow any partiality or favoritism to interfere with a righteous verdict! If his object had been to procure from the high councils of that nation such an expression as should for ever silence the tongue of slander, before his object could be attained, the claims for honorable consideration must have been closely canvassed, before Congress would presume to present me to the world at large as one who had done the state some service. The report of the Secretary, to the Hon. Wm. Lowndes, Chairman of the Naval Committee of the House of Representatives, and the subsequent proceedings of Congress are accordingly given below.

(EXTRACT.)

NAVY DEPARTMENT, Dec. 27, 1813.

While the heroic commander of the American squadron justly merits the highest honors which the expressions of the National Council can bestow, the second in command on that eventful day appears to merit particular distinction for the important and decisive share he had in that glorious event; and it is grateful in the highest degree, that every officer and man on that trying occasion discharged his duty to the nation with zeal, fidelity and honor.

BENJAMIN HOMANS.

[*Copy of Record.*]

The response of the House of Representatives to his report, was in the following words—

"RESOLVED, That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and present them to Captain Perry and Captain Jesse D. Elliott, in such a manner as will be most honorable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers, either of the Navy or Army, serving on board, and a sword to each of the Midshipmen and Sailing Masters, who so nobly distinguished themselves on that memorable day."

Page 14—*Line* 13.

The following articles—the first of which was written by a person who was present, and an officer of the Navy, are given as they appeared in the papers of the day.

THE BATTLE OF LAKE ERIE.

The following letter from a correspondent at New York will, probably, be interesting to many readers, as it involves a subject which has provoked much controversy among officers of the navy, immediately concerned, and also among their respective professional friends, and partisans. The press, also, has participated in the controversy, in which the defenders of Elliott have offered facts and arguments, while his assailants have confined themselves to fabrications and vituperation. The controversy between Commodore Elliott and the late Commodore Perry began several years after the battle of Lake Erie, and after the decease of the latter, was continued between Commodore Elliott, and the present Captain Perry, brother of the late Commodore. This warfare has never ceased entirely, and has thus far resulted in prosecutions, by Mr. Cooper, against several newspapers for libel; to enable our readers to understand the case we will give a brief history of the events which it involves, from the battle of Lake Erie to the present day.

In this battle, Perry and Elliott, both masters commandant, were first and second in command; the whole force on the Lakes being under the general command of Commodore Chauncey, whose immediate command was on Lake Ontario. In the official account of the battle, Captain Perry mentioned Captain Elliott in high terms, ascribing the victory in no small degree, to his efficient services with a part of the squadron. But the officers of Elliott's ship, dissatisfied with this account, for not rendering him justice, sent another to the Navy Department, signed by themselves, individually. At this time a dispute arose between the officers of Perry's ship and the other officers of the squadron, about *prize money;* some of the latter contending that as Perry's flag had been struck, and his ship surrendered to the enemy, its officers were not entitled to any of the prize money for the capture of the British fleet, but that the other officers were entitled to it for the re-capturing of Perry's ship. Though both of the Captains endeavored to silence this dispute, saying the victory gave glory enough for all, their efforts were fruitless and two parties were soon formed about the battle of Lake Erie, the one ascribing the victory to Perry, the other to Elliott. The latter, thus, finding himself impeached by Perry's party, demanded of the Navy Department a court of inquiry. But the Secretary of the Navy, understanding the case thoroughly, refused a court of inquiry, because it would imply that Elliott's conduct required an explanation, and proposed as a substitute a complimentary report to Congress. Accordingly he sent a short report to both Houses, congratulating the nation upon the victory, praising all the officers, and Elliott especially. Upon this report, Mr. Crawford, member of the House from Pennsylvania, of which State Elliott is a native, and has always been a citizen, introduced a joint resolution, that while praise was due to Captain Perry, his officers and men, for the glorious victory, "*particular*" *praise* was due to Elliott for his "*decisive share*" in it, and that gold medals should be presented to the first and second in command, and silver medals to all the other officers. This resolution was adopted, and the medals were distributed; and we believe the case is the first on record in the naval annals, at least of the United States, or England, in which the first and second in command were placed on equal terms in the distribution of honors.

In 1815, Elliott exhibited to the Navy Department a British account of the battle, in which he was described as *running away* from one of the British ships, and demanded a court of inquiry; and the Secretary replied that although this was refused, and a complimentary report and resolution substituted when assailed at home, yet he should have a court of inquiry when assailed abroad; and his case was referred to the court then sitting in New York. Here two of Perry's officers, and five or six of Elliott's, and some of the other ships, were examined as witnesses; and according to the published report of the testimony, the two first disagreed with each other, and with all the rest. The court

declared that Elliott was entitled to the highest praise for courage and skill in the battle, and that instead of his running away from a British ship, that ship ran away from him; and it added some severe strictures upon the discrepancies in the testimony. Before this, the Legislature of Pennsylvania had presented to him a gold medal, and one of the other States, South Carolina, if we remember correctly, a sword.

From this time, the alienation between Perry and Elliott, already great, continued to increase, till 1818, when Elliott challenged his adversary. Perry refused the challenge, saying that he should by another process establish Elliott's unworthiness. This process was some action by the Legislature of Rhode Island. Mr. Hazard, formerly a member of the Hartford Convention, a relative of Perry, introduced a resolution into the Assembly of that State, to collect historical records in honor of Perry, one of its natives; and Mr. Hazard and Mr Gibbs were appointed a committee for the purpose. Mr. Hazard wrote the affidavits of several of Perry's officers, then assembled at Newport during the session, all of which impeached Elliott. But no report was made to the Legislature, Mr. Gibbs declining, as we have been told, to impeach one officer to honor another. Just after the unsuccessful termination of this project, Perry received a renewal of Elliott's challenge, and declined it, because he intended to bring Elliott to a Court Martial, after waiting in vain for a summons from the Department, wrote to the Secretary for information about the charges, who replied that none had been filed. Elliott then sent a third challenge, and was told by Perry, still declining it, that they had been transmitted at a certain date, Elliott again applied to the Department, was told that the charges, arriving in the Secretary's absence, had been sent to the President, who would not entertain them. He then went to Norfolk in pursuit of Perry, and found that he had put to sea, on the cruise to South America, in which he died.

All these statements, and the documentary evidence on which they are founded, are contained in the "Life of Elliott," a work published in this city in 1835, and for sale, we believe, by Cowperthwait, of High street. This work contains a history of Elliott, from his entrance into the Navy in 1801, to his departure to France in the Constitution Frigate in 1835.

In 1840, Mr. Cooper published his Naval History, in which he gives an account of the battle of Lake Erie, much less minute than that in the "Life of Elliott," from which he obtained his materials for it, but still favorable to that much persecuted officer. Several presses assailed his book and himself with the same misstatement and vituperation which had previously characterised their notices of the "Life of Elliott," and its author; for singular as the statement may seem, these presses can never notice a public act or public servant, without descending to slander of the person or persons, who make such act or servant a subject of animadversion, without any other connexion with either. Mr Cooper, seeing no good reason why he should be abused, personally, for writing a history, or why his history, open to fair comment, should be misrepresented in a tone indicating personal animosity, instituted suits for libel against several of the presses, and the New York Commercial Advertiser among the rest; and of the trial of this suit before referees; the letter below gives an account. We may here add that in a communication to the New York Evening Post, Mr. Cooper promised to review the "Life of Perry," by Captain Slidell McKenzie.—Captain McKenzie had said among other things, that Mr. Cooper got his materials for the account of the battle of Lake Erie, from the "Life of Elliott:" which Mr. Cooper denied. We do not comprehend the justice of this denial, for we cannot imagine where else he could have got them. Every document relating to the battle, written or printed, which was in possession of Elliott when his life was written, was examined by its author, and inserted in the work, and this work was examined by Mr. Cooper while he was writing his Naval History: and if he will publish his argument before the referees, about the battle of Lake Erie, the reader, on comparison, will, probably, find its leading points in the "Life of Elliott."

Captain McKenzie, in his "Life of Perry," says that the "Life of Elliott" was written "under the auspices" of that officer, and says it in a tone, that might indicate a design to impeach the authenticity, or the motives of the author. If this were his meaning, or if he intended to imply that it was written under any other auspices of Elliott than those of the present Captain Perry over his own book, the furnishing of documentary testimony in print and manuscript, we are authorized to pronounce the assertion entirely gratuitous, entirely groundless. We will add that Captain McKenzie has inserted in his life of Perry, the affidavits of Perry's officers against Elliott, but has omitted the testimony on Elliott's side; a proceeding not fitting to inspire entire confidence in the

authenticity of his book, among those who seek truth, and do not participate in the quarrels of our naval officers. Captain McKenzie is an agreeable writer, and is favorably known by an interesting work, his "Year in Spain." But whatever he has written on the battle of Lake Erie, whether in the Life of Perry, or in a little sketch of naval events written a few years before, he has displayed the mere partizan, intent on showing one side only. We regret this, because it must effect, injuriously, his character for justice among all who place a high value upon that virtue.

Mr. Cooper is entitled to the gratitude of the community for instituting these suits against various partisan newspapers; for the practice of personal slander, under pretence of literary criticism, to any extent reprehensible, has been carried to an extent pernicious to public morals and disgraceful to the country. If newspapers, under pretence of reviewing a book are allowed to abuse the author without measure, and upon grounds not at all connected with his works, personal rights are without protection, and constitutions and laws are of no use. The mischief should be corrected, and we are glad to find any one with moral courage enough to take the first step.—*Phila. United States Gaz.*

New York, May 22d, 1842.

Gentlemen—Quite a novel and interesting trial occurred here last week, and as you may like to hear something about it, I send you a short account of it. It was a suit for libel, brought by Mr. Cooper, the celebrated novelist, against Colonel Stone, the editor of the Commercial Advertiser. The libel complained of is to be found in a succession of articles in that newspaper, purporting to be a review of the Naval History of the United States, written by Mr. Cooper, in which review the account of the battle of Lake Erie is particularly commented upon, in terms of great harshness and severity towards the author and his motives. The discussion has occupied the afternoons of the last week, and was held before three highly intelligent gentlemen of the bar, and was attended by an audience composed of some of the first people of the city, who were attracted by the interest the subject itself naturally created, added to the circumstance that the historian was to argue and discuss the cause himself. The gist of the review was that Mr. Cooper had spoken favorably of Captain Elliott's agency in the battle of Lake Erie, whereas it was his duty as a historian to have freely commented upon his conduct as unworthy of a brave and gallant officer. It, therefore, became necessary for Mr. Cooper to substantiate the correctness of the account which he had given of that memorable event, and then to display to the referees the *malice prepense* of the review. The side of Colonel Stone was managed by Mr. Campbell and Mr. Bidwell, with great skill and ingenuity, who certainly left in my mind a very unfavorable impression of the conduct of Captain Elliott, and it seemed to me that it would be impossible for Mr. Cooper to vindicate his history from the criticism it appeared justly liable to. But the tables were destined to be turned. The author had took hold and entered into the subject with a force and vigor which evinced his complete and thorough knowledge of the whole merits of the case, and betokened a conscientious conviction of the justice of his side. He said that he has approached that part of the history with great caution, for he beheld the difficulties and embarrasments with which it was surrounded. He alluded to the bitter controversies, and the severe and unfortunate criminations and recriminations which have arisen in regard to the conduct of Captain Elliott.

It became his duty as a historian writing for posterity, to examine for himself, and when he had drawn his conclusions to put down what his conscience told him was right.

He thereupon explained at length the principles upon which he had made up his mind, and for this purpose he introduced various diagrams of the battle, and the position of the ships at different periods of it. He analyzed, critically, the voluminous testimony, affidavits and letters bearing upon the subject, for and against the conduct of Captain Elliott. This he did in the most masterly and lucid manner, and he displayed a skill and ability which I am satisfied no lawyer, however great his eminence or practice, could have excelled. On Thursday he commenced summing up, and on Friday he concluded in a continued speech of six hours, replete with energy, sound and convincing argument, frequently lighted up with brilliant touches of eloquence, and delivered throughout with a copious flow of elegant diction. It was an interesting occasion. Our contemplations were lifted above the petty trifles of the day, and dwelt with pleasure upon the glorious reminiscences of the past.

I am rejoiced that this opportunity has been offered to others, like myself, who are distrustful of the correctness of this account of the battle of Lake Erie, to be set right upon the subject; for, if there ever was a triumphant and conclusive vindication of any thing,

there was on this occasion. I have found that my judgment had been warped by strong prejudices against Captain Elliott. It is a circumstance which naturally fills me with mournful reflections at the condition of a large portion of the public press—that press to which we have been accustomed to look as the shield of truth and virtue. Whither is its corruption now leading it? If a motive exists for an assault upon reputation, does it hesitate to inflame the public mind with prejudice and bigotry? Is it not in a fair way of causing its own destruction? And when once destroyed, where is the honest inquirer to look for justice and truth? From various causes, Mr. Cooper has fallen under the ban of its displeasure, and when that delightful work of his appeared, the History of the American Navy, it was a signal for a general assault. They availed themselves gladly of the unpopularity of Captain Elliott, and the great reputation of Commodore Perry, and on every side was he assailed with the foulest imputations. He did not choose to have his opinions manufactured for him, but determined to brave their intimidations, and pursue the path of rectitude.

C R . STONE.

We learn from the Tribune of this morning, that the arbitrators in this contest have made an award in favor of Mr. Cooper. Our readers will remember that the difficulty arose in an unjust and abusive review of Cooper's Naval History, which appeared in the Commercial Advertiser. A libel suit was begun by the historian, but afterwards the parties agreed to refer it to an independent and disinterested arbitration. The persons chosen, were Samuel A, Foote, Samuel Stevens, and Daniel Lord, jr., with the understanding that the award, if in favor of Mr. Cooper, should be $250. The question was argued by J. F. Cooper, in his own behalf, and by W. W. Campbell, and M. S. Bidwell, on behalf of Colonel Stone; and yesterday the decision was given. The arbitrators, having heard the respective proofs and allegations of the parties, decide,

I. That, according to the evidence and rules of law applicable to the case, Mr. Cooper, the plaintiff, is entitled to a verdict, and they award damages in $250, as agreed upon by the parties.

II. That the plaintiff, in writing his narrative of the Battle of Lake Erie—the portion of his history specially attacked—did faithfully discharge his duties as a historian.

III. That the said narrative is true in all its essential particulars.

IV. That it was written in a spirit of impartiality and justice.

V. That Colonel Stone, the defendant, or the writer of the review, whoever he may be, in writing the review of Mr. Cooper's Naval History, did not faithfully fulfil the obligations of a reviewer; and they base this decision upon the following facts;

I. That the review contains reflections on the personal character of the author, and imputations upon his motives,

2. That the reviewer incorrectly charges the author with having given to Commodore Elliott equal credit with Commodore Perry in the conduct of the battle:

3, 4 and 5. That he is guilty of certain specified misquotations;

6. That the review is untrue in several of its essential particulars. They decide, also,

VI. That the review was not written in a spirit of impartiality and justice.

This is the award of a majority of the arbitrators. An elaborate opinion of S. A. Foote, accompanies it, dissenting from the award in the second and third points, and partially in the sixth. Both these documents are, by mutual agreement, to be pubished in New York, Albany and Washington.

[N. Y. Ev. Post.

June 20, 1842.

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Having ascertained the movements of the Algerines, the Commodore, immediately, made signal for the vessels in the port to come out, which we did. Proceeding up the Mediterranean, off Cape de Gat, we fell in with the Algerine frigate: our whole squadron showing English colors, as also did she. They supposing us to be English, she suffered us to approach. The accidental circumstance of the upper flag of the three for making signal, being the same as the English, threw her more off her guard. The signal being made to fire on the enemy, as we came up, the Constellation delivered her broadside first. I passed under the starboard bow, and wore round for the purpose of being on a line parallel with her beam. As my ship came up to the wind, we commenced the fire of our whole battery; beginning forward. The Guerriere on her weather beam; the Epervier and Ontario under her lee quarter; the Constellation astern, and each pouring in a deadly fire. The Commander of the enemy's ship, finding himself

deceived, and surrounded by an American squadron, directed his men to prepare to go down, and observed that Mahomet would receive them! He and his First Lieutenant, and some officers being killed, the ship surrendered. On the succeeding day the prisoners were distributed among the fleet; about sixty of them having fallen to my share, and bringing with them some millions of *companions*—so filthy were they!

One or two days after, we fell in with the Consort of this frigate off Cape Palais, on the coast of Spain. The squadron gave chase by signal, she, however, ran into shoal water, was pursued by our light vessels and captured. The two brigs having been sent to Carthagena, in Spain, we proceeded with the whole squadron to Algiers, and there commenced, and closed successfully, a negotiation for peace. Whilst the Dey was deliberating on a final answer, an Algerine ship appeared in the offing, but, just as we were going to lay hold upon her, the signal of peace was displayed at the mast-head of the Commodore's ship.

On the next day, I was invited by the Commander-in-chief to accompany him in his interview with the Dey. On landing at the mole-head battery, we were met by the Algerine officers, in authority. Mr Shaler, Consul of the United States, and that kind, excellent worthy, but neglected man, Mr. Nordelin, Consul of Sweden, whose previous attention to American prisoners had influenced his selection as the mediator for peace.

It may be proper here, to digress a little, and state why I use the words *excellent* and *neglected*. During the captivity of Captain Smith and Mr Pallard, his supercargo, with the balance of the crew, they all received constant supplies from his table and purse. This worthy man, in the goodness of his heart, pretended to be in want of domestics for his establishment, and applied to the Dey for a few American captives for that purpose. Would you believe it, my friends, that when I arrived at his hospitable residence, I found them all the guests of his table! Mr Pallard became enamoured of one of his charming daughters, and reference being made to me for the respectability of his family, I was pleased to be able to vouch to that effect, since I knew his connexions in Virginia. In 1827 when returning from Brazil, I anchored at St. Bartholomew, and there found M. Nordelin, the Governor I passed a happy week there, interchanging civilities with him and his delightful family. He, sometimes, recurred with pleasure to our first acquaintance, and the satisfaction he felt in his heart for the offices he had done to our prisoners; but, I thought I could read in his countenance, that he also, felt how he had suffered neglect by this Goverement.

But to return; we proceeded to the Swedish Consulate, and thence to the palace of the Dey. Here we found him surrounded by every thing that could please the eye, or gratify the senses. Our party was somewhat imposing from its numbers; consisting of the Commander-in-chief, Mr. Nordelin, Mr. Shaler, Lieutenant Kuhn of marines, Midshipmans Howell and myself. The Dey received us kindly, but firmly. I thought I could perceive in his countenance every mark of the great man, especially, since the evidence was exhibited in adversity. The terms upon which he had concluded the treaty had well-nigh cost him his head. We had been advised that the Consul of Spain was at the time in irons: having been placed in that situation by the Dey, for the purpose of extorting money from his government. It was suggested to the Commodore, that, perhaps, a word from him might effect his release, and he being aware of the despondency of mind, under which the Dey labored, at once attempted the object. To cheer up the spirits of the Algerine, he made a voluntary tender of the captured vessels, with the condition that the Spanish Consul should be restored to liberty. Here, again, I witnessed a becoming dignity on the part of the Dey, who after an expression of thankful acknowledgment, observed that he was ready to negotiate about our own country, but declined doing so in relation to another! The terms were, accordingly, arranged, and subscribed to, and the prisoners brought off. A messenger being about to be despatched to the United States, with the news of peace, the Commander-in-chief invited me on board the Guerriere as his flag Captain, intending to appoint his First Lieutenant Captain, and his Captain, bearer of despatches, I, however, declined, not from any indisposition to go on board the Guerriere, but, because I did not wish to be separated from those who had been my companions in many battles on our frontier, and some of them had been thrice wounded with me. About a week after we departed for the island of Sardinia, and near that island fell in with an English 74, Admiral Penrose, by whom the Commodore was informed, that three days before, he had passed the whole Algerine fleet, which, had the treaty been delayed, we would, certainly, have captured.

After lying a week at Sardinia, we proceeded to Tunis, and there found a new difficulty. During the war with England, two prizes of the Abaelino privateer, Captain Wier had been surrendered up by the Dey, to an English gun brig. Restitution was demanded; and Captain Gordon of the Constellation, and I were directed by the Commodore to proceed with our Consul, M. M. Noah, and Surgeon Kennon to the palace of the Dey at Bardo. We found him aged, and rather displeased, that the Commodore had not visited him in person. We were directed to be seated, and given refreshments; when the Dey inquired who Gordon was, and also, who I was, and why the Commodore had not come. He was answered, that he would not land untill we had returned, and reported the views of the Dey upon the subject of our negotiation. We were informed that

the negotiation would take place in another apartment; whither we went, and found his minister of State, and other officers. The discussion was opened by Mr Noah, through the drogoaman. The son of the Dey, participating in the conversation, exhibited much irritation and violence, and I felt it necessary to ascertain what produced his evident excitement. Mr Noah replied to me, that they were an impudent set of scoundrels; but insisting upon an explanation of the boisterous language used, he informed me that the Prince was abusing the Consul. Our negotiation had already been tedious to me, and as Captain Gordon was suffering severely from a recent wound, I deemed it necessary to interfere, and cut the discussion short, by directing the drogaman to say to them, that we came for the money demanded by our Commodore that all discussion must cease, and we immediately receive the short answer of Yes or No! I, further, directed him to tell them that any insult to the Consul would, promptly, be resented as an insult to the nation. We were answered, that they were rich, and the money would be forth-coming; and allusion was made to the age and infirmities of the Dey. His young highness, also, referred to his prospects of ascending the throne, upon which I saw him seated in a subsequent visit to the Mediterranean, when I received every kind and flattering attention from him. On the day succeeding our interview at Bardo, the agent of the Treasury came to our Consul with the money, and casting it on the floor, remarked to the British Consul who happened to be present. "There is what the perfidiousness of your government has brought us to." I will remark here, that while the discussion was going on, I cast my eye towards our Consul, and thought I could perceive in his expression of countenance, the same feelings operating in his heart, which must have agitated the French Consul during a negotiation, which terminated in his being *sent to his Admiral from a gun at Tunis.*

We, afterwards, proceeded to Tripoli, where we found another difficulty to arrange. Our Consul had received some indignity, and hauled down his flag. Matters were arranged, the proper *amende* made, and the flag re-hoisted. It was intimated to the Commodore whilst here, that there was a very worthy Italian at the time in slavery, who had placed himself in that situation, in order to ransom parents who were taken off the coast of Calabria, in the night, by a Tripolitan cruiser, and that he was then struggling to purchase his own freedom. The Commodore, immediately, made a favorable request to the Pacha to relieve the slave. He did so; placing a portion of the ransomed family on board of the Guerriere, and they were conveyed to Naples. Here, my countrymen, I am aware that I will excite your surprise, when I state that this same heart, which was impelled by such noble feelings, wanted, however, sympathies of a kindred nature, for when informed that he might accompany his family in freedom, he declined on the ground *that they were too low in their grade of life, or associations for him! He preferred remaining with the Turks!*

Page 15—*Line* 19.

While a member of the Board of Engineers, a resolution of Congress was passed, at the instance of the Legislature of North Carolina, appointing Commissioners to examine and report the practicability of an uninterrupted navigation from their sound into the Ocean, as also to make a trigonometrical survey of the three projecting shoals, Hatterass, Look Out and Fear. Conformably thereto, General Bernard, Colonel Totten, and myself were appointed a board for the purpose; as also to learn the practicability of designating the extreme shoals, by lights or other means. The latter duty I undertook the discharge myself, as the appended report will show. An appropriation was made by Congress—men furnished, and boats constructed—but the Secretary informed me a man could not be had to locate them. To prevent a failure, I placed myself on board the Revenue Cutter Alert, Captain Cahoon, taking with me the one for Hatterass; and placing it on the shoal; sent the Captain with his cutter into Ocracock, until I could test the experiment. A gale come upon us before we were ready for it. The vessel had two large pipes, perhaps twenty feet in length, and thirteen inches in diameter, through which the chains passed out at the bow, within about two feet of the water. The violence of the gale, and the quantity of water forced through these pipes, came near deluging the vessel, but by fastening the hatches, &c., we battled the storm until it abated. This trial satisfied me of the practicability of the work. The lights were accordingly arranged, and on the second night the mariner was apprised of all his dangers. I called the Revenue Cutter out by signal, and doubting the firmness of the Captain, I left him in the light vessel to test the next gale. After it had subsided I returned again, and found that he, like all other timid men, had taken excessively to liquor to brace his nerves for the trial; so much so indeed, that he had become the subject of disease. The mate had tried, but failed to give him relief; he had him salivated, but without any benefit. I thought the only means of cure would be by evacuation, and being without other means, I ordered a large sow killed, converted her bladder into a glister pipe, and had the patient relieved before the meat of the slaughtered animal was cold.

After surviving another gale I left, deeming the experiment entirely successful. I carried with me tents, and as I proceeded along the coast, slept in them. To guard against musquitoes and other insects, I thought I had well prepared myself: but on the morning after my first night's encampment, I was astonished to find my face covered with blood, the result of the attacks of the various plagues that swarm along the coast. Progressing along the coast, I also, found my supply of tea and coffee giving out, and as a substitute, I had recourse to the native plant, called *yoepon*, a fine flavored tea and which, when deprived of, I longed for, like an inebriate after his glass. I recommend you to cultivate it in your gardens, and substitute it in place of the imported article. Before I had proceeded to the sea coast for the purpose of executing the survey, and when at Roanoke Island, I found some of the finest grapes I ever beheld, called the *scuppernon*. One day while picking this grape from the vine, I was amused with the express of General Bernard. "Captain, remarked he, God is very bounti ol! Sir Walter Raleigh passed that inlet, and anchored there, pointing to the spot suppose we recommend them to pay more attention to their churches, and God will give them another harbor."* While passing through the State we stopped at a place called Tarboro, Bernard, with his staff, selected their beds, while I was careless about mine, consequently I was put on a rickety concern, held together with a cord, and upon which were thrown a bullock skin, blanket and matrass. Hard as was the affair, I might, perhaps, have enjoyed a partial rest, had it not been for one of the plagues, which the naughty Egyptians have transmitted to us. I could have slept upon the wretched apology for a bed, had not the bugs which thronged the chamber treated me as an intruder. While suffering from their visits of ejectment, I determined to make an impression that would cause my hostess to see a little better to her sleeping concerns in future, and accordingly I seized one of my pistols and fired it. The report brought all hands, who in the greatest terror, inquired what was the matter! I answered very calmly. "Oh nothing—only shooting bedbugs!" My landlady could not disguise her mortification, and "looked daggers and furies!"

Note G.

The duties of the Commissioners were of a most important nature, including not only as a survey of the coast, but also, the establishing of the positions of light houses and boats—the examination of harbors—the sites for fortifications and Navy lands. Should the report of the Board be published, they will be found to be of great value, and in more respects than one, will show that when they have not received due attention from the proper Department, the result has not been the most favorable to the National interest. I cannot imagine a more useful and instructive volume, than that which would contain the various reports of the pride of the American Nation and Navy; Commodore Stewart embodied with the report of the Commissioners and Board of Engineers.

I give you an extract from a report made in relation to the most dangerous navigation of our waters, and particularly, regarding the Cape Fear Shoals, or Frying Pans, (so called.)

"The shoals extend in a southerly direction miles. A trigonometrical chart of each of these points is herewith submitted, showing the superstructure and the temperature of the water. On several approaches it will be found that the stream issuing from the Bay of Mexico, has more or less influence in forming and keeping in existence these several shoals. That influence may be felt more particularly, after a series of northerly winds, which cause the current on and about the shoals to pass in a southerly direction, immediately opposed to the course of the continual stream of the Bay. Here the current has been, invariably, found the precursor of the wind, and runs with it at the rate of miles per hour.

Practice abroad has taught us that light vessels have, and do now exist, designating shoals, both in the North Sea, on the Dogger bank, where the water has a range in every direction of at least sixty miles, and off the mouth of the Thames in the French channel, at the Galliper, where the sea has an influence as far as the eye can carry you in every direction but one; and that in course of the winter of 1815, in as severe a gale as is usually felt on the coast of North Carolina, the Swedish ship Elizabeth, owned in Stockholm, anchored outside the shoal off Cape Lookout, and survived a gale of twenty-one hours.

And in other instances when the weather is inclined to be thick, the great anxiety of the masters of coasting vessels is to avoid the shoal, when imperceptibly, they are drawn into the stream, where they encounter weather more boisterous, and if destined for the South have a current of, at least, four miles per hour to contend with."

*In passing through the State he had observed the churches to be almost neglected and ruined.

Page 16—*Line* 24.

At Pensacola, I give an entertainment to the officers of two French brigs of war after which, as was my custom, I placed the wine that was left upon the mantle-piece. There was a fine spring of water in the yard, and my Steward sometimes regaled himself there, from the excellent fountain, and the wine, which he always found at its usual deposit. One day, while dining with my friend Col. Tutt, a messenger came to inform me that my steward had been suddenly taken ill, and was dying. I hurried home, and as soon as he put his eyes on me, he remarked, "Ah, Commodore, you have caught me this time!" I asked him what he meant. "Why, sir, the wine had something in it, that has made me sick!" The poor fellow suffered most dreadfully, and it is a miracle that he ever recovered. To this day, I doubt not that he believes I drugged the wine. That it was drugged, has been sufficiently proven by the analysis of the surgeon, who found a quantity of corrosive sublimate in it. I cannot account for this base attempt at poisoning, but from the following circumstance, which only immediately before occurred.

Captain Shubrick had just arrived at Pensacola, and permitted a large portion of his crew to visit the shore. The day of their liberty happened to be one of some religious ceremony in Pensacola, and the sailors attended the Cathedral. On returning from it, a part of them were a little free, but no ways rude or irreverent. They however were attacked by some young Spaniards, with stilettoes, and two of them were killed. These Spaniards were afterwards prosecuted, and indicted by sufficient evidence, but had a verdict of acquittal given by a Spanish jury, on the ground of justification. Some strictures upon the affair afterwards appeared in the New York "National Advocate;" and having been ascribed to the Rev. Mr. Colton, Chaplain of the Vincennes, subjected him to the hatred of those concerned.

One day, as I was passing a public corner, my attention was attracted by a crowd in one of the stores, in which the Mayor of the city was denouncing, in no measured terms, our Chaplain, the Rev. Mr. Colton. I entered, and requested an explanation of such conduct towards an officer of my squadron, and informed him, that it was his duty, if he had charges against my subordinates, to present them to me. I then took Mr. Colton by the arm, and led him to my house; on reaching which, as he was apprehensive of violence, I requested him to remain with me. The day following, being Sunday, he was invited to preach a sermon in the Methodist meeting house; and still fearing danger from those who were embittered against him,—having been informed of an intention to attack him,—I told him to put my pistols in his pocket. He did so; went to the church, and preached his sermon, without any interruption. It has been said that the Rev. gentleman placed the weapons on the ledge of the pulpit;—this I pronounce to be unqualifiedly false! He did no such thing; for the determined appearance which he presented had the effect of intimidating the cowardly assassins!

Page 22—*Line* 18.

I must beg leave to state here, that notwithstanding the loud and incessant claims put forth by some Bostonians, for public morals and veneration for the laws, that there is a spirit for outraging both, as strong and excitable as that which can be found elsewhere! My own observation, during my command of the Navy Yard at Charlestown, convinced me that riots are as frequent, and attended by circumstances of as great and reckless disregard to the institutions of the law, and even the blessed Gospel, as have ever occurred in any city.* In proof of this trait in the collective character of these exclusive advocates of social order,—if their account of themselves is to be taken,—reference might be made to the picture which Russell Jarvis, my biographer, and himself an Eastern man, has drawn of that community. In addition, however, to his description of them, and the notable instance of SACRED PATRIOTISM and AMERICAN PRIDE in the matter of the FIGURE HEAD, I will give two occasions, in which their reverence for religion and the sanctity of the laws can be rightly estimated. I introduce these, because in both, I was called to take a part.

While I was in command at Boston, the Ursuline Convent was burned by a mob. The sisters of Charity and pupils were forced from their quiet home; and that, too, without even a comfortable competence of clothing. Fifteen of the ringleaders were appre-

*I am truly glad that I can, with all truth, say that this feeling is confined alone to those under the influence of politics and fanaticism. I have many dear friends in Boston, whom I have always had pleasure in giving a hearty shake by the hand.

hended and lodged in jail at Leechmore Point. Apprehending violence to the prison, High Sheriff Varnum, of Middlesex county, made a call upon me, by letter, to aid in preventing the violation of order, as he feared a mob of some 2,000 persons would collect for its destruction. I yielded to the call, and sent an express to the Adjutant General of the State, Gen. Sumner, to inform him that the call had been made, and affirmatively responded to; but that I should expect his troops to be at hand, and guard the prison after the mob was dispersed. He acknowledged the favor, and promised acquiescence. This prompt action averted the expected catastrophe, and enabled the Lady Superior to re-establish herself at Brinley Place, the seat of Maj Gen. Dearborne, at Roxbury. The authorities of Massachusetts disapproved of the call made on me; of which I informed the Hon. Secretary of the Navy; who, in the name of the President, instructed me, should I apprehend further difficulty, to send for an additional force to the commandant of the New York Navy Yard; which having done, I added a hundred and fifty men to my command. I apprised the Lady Superior, and Bishop Fenwick, that they would have to look to the State authorities for protection; as I would, under the circumstances, feel bound to throw myself upon my own domicil; but that, to convince her I felt an interest in the safety of the institution, I would place my daughter Catharine in it. After this, an attack was made, at night, by throwing stones at, and through the windows of the house, which caused my dear child to write to her mother, begging, for God's sake, that her father might come and bring her away! I went, and found her greatly alarmed. The Lady Superior feared no serious danger, and assured me the only object was to frighten her away. Believing my child was secure there, I admonished her of the impropriety of timidity; when she remarked to me, "Pa, do you say there is no danger?" "None in the world" "Then I'll stay, and won't be afraid!" and she did remain till the last moment; thus enabling the Lady Superior to rest in the hope that where my child was, I would certainly be, when danger threatened.—That beloved child has since gone to her better abode, where sorrows cannot come. Once, she was all life and joy; but soon the persecution that was heaped upon her father, took root upon her young spirit—a sadness settled on her fair brow—she gave up the world—devoted her efforts to the cause of religion and charity, and finally died—a martyr! I received various communications from the Lady Superior, while the above difficulties were pending. The following was among them.

"To Commodore Elliott—

"The Superior of the Ursuline Community presents her respects to Commodore Elliott, and returns many thanks for the papers which he kindly sent for her perusal. She is happy to inform the Commodore that his daughter is well, and appears quite contented with her present situation.

"Brinley Place, Roxbury, Oct. 29, 1834.

[copy.] Navy Yard, Charlestown, August 30th, 1834.

Sir.—At nine o'clock, the evening of the 26th inst., I received a communication from the Sheriff of Middlesex, requesting me, in case of necessity, to aid him in protecting the jail at Leechmore Point, from a mob.

In fifteen minutes I had two hundred seamen, and seventy marines, well armed, in readiness to move immediately under my direction, and since the 26th, the same number has been kept in equal readiness. This force will be kept in this state of preparation, so long as any danger is apprehended.

Being apprehensive that, in case of an attack, the mob would secure the draw at the bridge leading to Leechmore Point, I directed a portion of the marines, at the first alarm, to repair immediately to the draw, and keep possession until the main body should pass over. The seamen, however, are mostly recruits, and it would therefore be important that they should not be kept upon guard duty, after the mob should be dispersed.

As you are the nearest officer invested with power to act, I would therefore suggest to you the propriety of directing some volunteer companies to hold themselves in readiness to act, in case of an attack, and to relieve the seamen and marines, after the mob should be quelled. As an officer of the U. S., I feel every disposition to aid in supporting the laws of individual States, and to act in concert with the civil authorities of Massachusetts at this unfortunate period.

The force under my command is efficient, and in case of need, will, I trust, be able "to do the State some service." Respectfully, &c.

(Signed) J. D. ELLIOTT.

Adjutant General Wm. H. Sumner, Massachusetts Militia, Boston.

[COPY.] *Cambridge, 20th August,* 1834.

To Com. Elliott, commanding the Navy Yard, Charlestown.

Sir.—There has been fears that there might be an attack upon the jail at Leechmere Point, Cambridge, and in consequence of this, arrangements have been made to get the aid of a part of the militia of Suffolk and Middlesex; but it would take a long time to get them collected, therefore, I have thought it expedient to request aid of you, should such an event happen. Your assistance would be more effectual than any we can get, as your men would soon be upon the spot. In case of an attack, an alarm will be given by the rapid tolling of the bell of the Unitarian Church, near the jail.

I presume you will readily give us aid in such a case, as it would be resistance to the laws of this commonwealth, and of course rebellion. Be so kind as to return an answer when convenient.

Respectfully, &c.

(Signed) B. F. VARNUM,
Sheriff of Middlesex.

[COPY.] *Navy Yard, Charlestown, August 27th,* 9 o'clock Evening, 1834.

Sir.—I have this moment received information from the Sheriff of Middlesex County, setting forth the probability of an attack upon the jail at Leechmere's point. Should such an attack be made the tolling of the bell, in rapid succession at the Unitarian Church, will give the necessary warning. You will call in the two sentinels at the lower yard, leaving the centinel at the lower gate, and be in readiness with a proper supply of ammunition, with two thirds of the Marine guards, stationed here, with which you will be pleased to act in conjunction with Lieut. Commandant Armstrong, with a body of seamen who will be on the spot and effectually protect the jail and disperse the rioters. The operation I will direct in person.

The remaining part of the guard will be kept in readiness in conjunction with the remaining part of the crew of the Receiving ship, for the defence of the yards, should the Rioters attempt any division to draw the force from the protection of the jail. Be pleased to let a confidential non-commissioned officer parrol that part of the town nearest to the jail, to give us the earliest information. Be pleased to let the centinels on post have their muskets charged with ball cartridges, with a full supply in their boxes. This order to continue in force until countermanded.

I am respectfully sir, your ob't serv't,

(signed) J. D. ELLIOTT.

Lieut. Col. Wm. H. Freeman, of Marines, Present.

P. S. Please to give me the earliest information. The messenger to ring the bell at my front door and to send the accompanying communication to the Sheriff of Middlesex County. The watchword of approach to identify the Sheriff will be 'Hull.' The rendezvous to meet the seamen will be at Lock's corner.

[COPY.] *Navy Yard, Charlestown, Aug.* 27, 1834.

Sir—I have this moment received your letter setting forth the probability of an attack on the jail at Leechmere's point. I have given the necessary instructions for an efficient number of marines and seamen to proceed to the spot, in the event of an alarm, and shall be there in person to give the necessary instructions.

I pray you to feel no hesitation in calling on me for such aid as I may have at control, in enforcing the laws of the country, a violation of which seems now to be attempted.

I am, very respectfully, sir, your obedient servant,

(Signed) J. D. ELLIOTT.

B. F. Varnum, Sheriff of the County of Middlesex, Leechmere's Point, Cambridge.

P. S. The watchword "Hull" of approach to myself and officers, will identify you as Sheriff of the county.

[COPY] *Cambridge, Sept. 3d,* 1843

Commodore J. D. Elliott.

Sir:—The excitement having subsided, I do not think it necessary, that you should keep up any unusual preparation to give us aid. I pray you not to put yourself to any further personal inconvenience about the subject. Should, however, any trouble occur, which I do not anticipate, I shall send for you, and you can come as soon as convenient, You are always sufficiently prepared.

I have written His Excellency upon the subject, but have not received an answer. When I do, I will give you the result.

Respectfully, &c.

(Signed.) B. F. VARNUM.

[COPY.] *Commandant's Office, Navy Yard, Boston,* September 3d, 1834.

SIR—Since my letter to the Department of the 30th ult, I have received a letter from the Adjutant General of Massachusetts, a copy of which is herewith enclosed.

It appears by this, that no danger is now, or will be apprehended from a mob for some time to come, as the rioters know that in case of any movement, they will be promptly met by the United States Forces here, in conjunction with the civil and military force of the State.

I have the honor to be sir, very respectfully

Your most obedient servant,

(Signed) J. D. ELLIOTT.

Hon. Mahlon Dickerson, Secretary of the Navy, Washington, D. C.

Respected and Honored Sir—Is it possible that the time has come when I am to separate from your dear and lovely Catharine. She is so sweet in her disposition, so kind to all, that she fills a place within my own heart, and is a living model of perfection to those around her. But it appears we must part: yet that we will meet again in another world I have no doubt. Was I not of necessity secluded from the world, I would have much pleasure in accompanying my little children with the invitation to visit the far-famed Constitution, ere she departs on her warlike errand. I never shall forget the kind and generous manner, with which you stepped forward in the hour of great need, and relieved me and my community from their distress. May heaven guard and protect you, and receive you as your last reward.

MARY ST. GEORGE, Ursuline Community.

Brierly Place, 1st March, 1835. To Com. J. D. Elliott.

With this first chapter, exhibiting the veneration of the Bostonians for the institutions of religion, by burning the retreat of her votaries, I will conclude by observing that to this day, *not one farthing in the way of recompense has been rendered* by the authorities, for the sacrilegious destruction of property occupied by a few helpless, inoffensive ladies, whose lives were consecrated to their God!

The second instance is the following. I was waited upon by the District Attorney, with a request that I would plant an armed force around the Court House, at a certain time mentioned by him, as having been fixed for sentencing to death a number of pirates that had been convicted shortly before. He stated that threats had been made throughout the city of a rescue, and that the court was apprehensive, such being the state of hostile feeling towards the Federal Government, that the culprits would be taken from the temple of justice by a mob. I told him, that the few men I had in the yard could make no effectual resistance against such odds; yet that I, with a number of officers well armed, but in citizen's dress, would go to the Court room, and that before the rioters should seize upon the convicts, they would have to pass over our dead bodies.

Accompanied by about a dozen resolute officers I accordingly went on the occasion of the sentencing, and with my band, occupied seats within the bar. We found the Court room most thickly thronged by a very questionable company. The Hon. Judge Story in his manner indicated much alarm, but at length commenced his awful task. So soon as he began, an equivocal movement was made by the dense mass of spectators, and from the appearance of the prisoners, I thought I perceived that they expected some demonstration in their favor. I rose up and moved from the bar to the front of the assembly. The judge proceeded, and the poor wretches received their doom without further interruption.

In connexion with these remarks, touching the *spirit* of the people of Boston, I will relate an incident, which may go to exhibit their claims to denizenship in a land of steady habits and "fixed principles." An elegant and costly writing desk, made of rosewood, beautifully mounted and adorned, had been constructed with a special purpose of presenting it to Gen. Jackson, when he should visit the city, on express invitation from the authorities. At that time the General was extremely popular with the good folks of Boston; and this manifestation of their regard was but one among a thousand, that were arranged to prove it. Accordingly on his arrival, the desk was placed in the room, prepared for him. It was well stored with the usual conveniences and comforts; such as a shaving apparatus, penknives, mirror, tooth-brushes, pincushion, a beautiful seal with the General's initials, surrounded by an olive branch and a serpent; and even *one* or *two pots of corn salve!* Every thing needful was there, and of a costly kind; it was quite a cabinet of *notions*.

The General enjoyed the use of the desk, during his sojourn in Boston; but whilst he was *en route* for the North, it was ascertained that he had penned his instructions for the removal of the Treasury Deposits from the United States Bank, upon this very article, which had been intended for a *souvenir* of patriotic affection! The tone of feeling among the people was instantaneously changed! The President was as unceremoniously vilified as he had before been caressed; and when he returned to the city, he not only found that all their warmth and attentions had subsided, but that *the desk was gone!* The donors, on account of the deposits, had *removed it*, and exposed it to sale to the highest bidder!

It was purchased by an esteemed friend, Grenville Temple Winthrop, Esq., who did me the honor of presenting it to me, with the accompanying letter:

BOSTON, 1st MARCH, 1835.

My dear sir,—I send the desk, which I mentioned this afternoon, and beg you to receive it as a slight token of the high esteem, with which I have the honor to be,

Your friend and faithful humble servant,

GRENVILLE TEMPLE WINTHROP.

To Commodore ELLIOTT, U. S. Frigate Constitution.

P. S. It is precisely as it was when in General Jackson's room, at the Tremont House.

I thought that there might be *some charm* in the desk, and accordingly had my defence written on it, and signed with the *same pen* that the President had used in

preparing his instructions; but ——— all wouldn't do!—as the sequel of the proceedings of the Court Martial unfortunately proved!—I, however, took occasion to send to the Hero of Orleans, the seal and tooth-brush; stating to him that I deemed the seal properly his;—as for the *brush*, I did not desire any interest in it!

On my arrival at New York with the Constitution, the ship was visited by great numbers of persons; and among them was one, who manifested as I thought, an exclusive curiosity to see every thing about the frigate. He was gratified in his apparent desire, and at length was introduced into the cabin. After inspecting the arrangements, &c., he came to me, and observed that *he was the inventor of an article, which was very beneficial to the human family!* I *bowed* my wish for him to explain; when he pulled out *two small pots of corn salve*, similar to those placed in the desk for the use of the General! With much difficulty, I commanded myself sufficiently to tell him that the people of Boston had anticipated his wish *to relieve the human family*, &c. I showed him the salve in the desk, which he recognized as his, and, consequently, the *pure article*. But he appeared very much disappointed in not effecting *a trade* with me; so much so, that putting up his salve, which was so *beneficial to mankind*, and angry with me, perhaps, that all my toes were not covered with corns, like AN ALLIGATOR'S back, he went ashore, without one more look at the ship, or any thing belonging to her!

Note H.

During my cruise on the coast of Brazil, the conduct of that government was such as seriously to affect American commerce, and to call for decisive action on the part of those to whom were committed the honor and rights of our country. The following correspondence will explain the nature of some of the difficulties; and I am pleased to say that they were terminated by a happy understanding between the two governments.

"*U. S. Ship Cyane, off Ortiz Bank,*
April 3d, 1826.

SIR,—The undersigned, commanding the U. S. naval force on the coast of Brazil, begs leave to submit for the consideration of Admiral Lobo, commanding his imperial majesty's forces at the Rio de la Plata, a few remarks on the subject of the blockade, recently proclaimed by him, of the whole extent of coast of the republic of Buenos Ayres, and all those on the oriental side of the La Plata; an extent of nearly *thirty degrees of latitude.*

The United States, just in her intercourse with the nations on both sides of the hemisphere, will expect a correspondent return. She has steadfastly contended for, and uniformly *sustained* the *point*, that she will not submit to the terms of a blockade of a whole coast of nearly *thirty* degree of latitude, such as you have been pleased to set forth in your manifesto of the 21st December last; and the undersigned begs leave to remark to Admiral Lobo, that whilst the United States will observe a strict neutrality between the parties in the present contest, she will most steadfastly and scrupulously defend a point which she has already waded through a bloody but a successful war in the maintenance of.

The intelligence of an officer vested with the command of a force of the magnitude of the present, it is presumed, will induce him to look into and search for information of those authorities which treat on international law, and can enlighten and illume the mind. He will there have brought to his view the terms of the armed neutrality of 1780, which settled all those points amongst the different European nations. Great Britain, then the most powerful of the maritime nations in the world, in a convention with the empire of Russia, entered into in 1801, stipulated "that in order to determine what characterizes a blockaded port, that denomination is only given to a port where there is, by the dispositions of the power that attacks it, with ships stationary or sufficiently near, an evident danger in entering." It is needless to say that the other powers in Europe, as well as the United States, then the only

independent one of the great Western world, never having disputed the principles, could not otherwise regard it than as the established line between all. It commenced with the present century, and it is equally clear that it must be so considered at this time, notwithstanding the violations practised in recent days. So satisfied with the correctness of this principle was the government of Great Britain, that, in the year 1804, in consequence of a remonstrance made by the American government against a declaration of a general blockade 'of the islands of Martinique and Guadaloupe,' proclaimed by the British naval commander, orders were issued to him 'not to consider any blockade of these islands as existing, unless in respect to particular ports which may be actually invested, and then, not to capture vessels bound to such ports, *unless* they have been previously warned not to enter them.' The United States will not acknowledge a blockade as valid against its civil marine, unless confined to particular ports, each one having *stationed before it* a force sufficiently great to prevent the entry of all vessels carrying materials to succor the besieged: and no vessel shall be seized, even in attempting to enter the port so blockaded, till she has been previously warned off, and the fact endorsed on her register. The undersigned will also avail himself of this occasion to express his regret that the representative of his imperial majesty should have found it necessary to adopt a course, in relation to the United States, so well calculated to disturb the harmony and good feelings which exist between the two governments; that whilst he has the disposition to present to Admiral Lobo an earnest of those feelings of his government, when she stepped forth *first* from among the nations of the earth, in the recognition of the empire of Brazil as amongst them, *free*, *sovereign* and *independent*, he will also insure him that indemnity will be claimed for, and, if necessary, the undersigned will feel himself called upon to bring into operation that arm of the nation's naval force placed subject to his control, in repelling all improper encroachments on American vessels, and on her maritime and neutral rights.

With great respect, &c.,

J. D. ELLIOTT.

To his Excellency Don Jose Rodrigo Ferreira Lobo, Vice Admiral of the forces of his Imperial Majesty, the Emperor of Brazil."

"*United States Ship Cyane, Monte Video,* April 25th, 1826.

Sir,—The very frank and free conversation I had with your excellency this morning, has greatly relieved my mind on the subject of the future leading you intend your blockade to have on the commerce of the United States; and I will be frank to say that my government *cannot* nor *will not* object to the proclamation of Buenos Ayres and Ensenda being in close blockade, and made so by the force you at present have in La Plata, leaving the outer coast, and that of Patagonia and the northern coast of the Banda Oriental, not designated. With high consideration, &c., &c.,

J. D. ELLIOTT

Don Rodrigo Jose Ferreira Lobo, Vice Admiral Brazilian Navy, Commander-in-Chief of the Naval Forces in the Rio de la Plata."

"*United States Ship Cyane, Monte Video,* April 27th, 1826.

Sir,—The undersigned would suggest to his Excellency, Vice Admiral Lobo, the propriety of our settling, previous to separating at this time, the grounds on which the blockade in the river La Plata should be conducted in relation to the commerce of the United States; this the undersigned feels well assured will be productive of a continuance of those harmonious feelings which at present exist in our respective governments. With high consideration, &c. &c.

J. D. ELLIOTT.

Don Rodrigo Jose Ferreira Lobo, Vice Admiral, Brazilian Navy, commanding the naval forces in the Rio de la Plata."

"*On board the Corvette Liberal, at anchor, in sight of Monte Video,* 27th April, 1826.

Sir,—The undersigned, Vice Admiral, Commandant of the naval forces of the Empire of Brazil, stationed in the river La Plata, acknowledges the receipt of two letters from Com. Elliott, of the United States frigate Cyane, upon the blockade of the ports of the Republic of Buenos Ayres, as the manifesto of the undersigned declares, and which is approved by his government:

To which Com. Elliott does not accede in all its extent, and only admits the blockade to extend to Buenos Ayres and to Ensenada; and that all the rest of the ports ought not to be considered in a state of blockade; and upon this consideration the undersigned cannot agree with Com. Elliott, who claims that all the other ports within, and those out of the Rio de la Plata, should be excluded. The undersigned reminds Com. Elliott that he (Admiral Lobo) maintained, in the conference which they had, that all the ports comprehended within the Rio de la Plata, that is, from the Capes of Santa Maria and Santa Antonia, were all rigorously blockaded.

The undersigned hopes he has satisfied Com. Elliott on this question; if not, he has only to direct him to the court at Rio de Janeiro, where he will be completely satisfied.

The undersigned would not grant that which would not be approved by his government. This is all which, on this occasion, remains for him to offer upon the subject in question.

The undersigned retains for Com. Elliott sentiments of the highest esteem and consideration.

RODRIGO JOSE FERREIRA LOBO,
Vice Admiral, Brazilian Navy."

"*U. S. Ship Cyane, Monte Video,* May 4th, 1826.

Sir,—The undersigned has the honor to acknowledge the receipt of the communication of his Excellency Vice Admiral Lobo, of the present date; and in answer he has to remark, that he understood distinctly from your Excellency a declaration, at the conference to which you allude, that the blockade you intended hereafter to enforce was confined to the ports within the Rio de la Plata, and that the coast outside was no longer to be considered as in blockade. This was also the understanding of his officer, who had conference with your Excellency the succeeding day.

The undersigned has the honor, &c. &c.

(Signed) J. D. ELLIOTT.

Don Rodrigo Jose Ferreira Lobo, Vice Admiral, Commanding the Brazilian forces at the Rio de la Plata."

"*On board the Corvette Liberal, at anchor, in front of Monte Video,* May 4th, 1826.

I have received your note of this day concerning the ports which are considered as rigorously blockaded; they are those which are within the river La Plata, from Cape Santa Maria and St. Antonio, as well as the western and eastern banks of the river, except Monte Video; and this was always the understanding which I had in the conference with yourself, and no other form; and if you have understood it in any other manner, I am not culpable for it, because I have the misfortune of not understanding your language. I cannot be responsible for the mistakes which the interpreters sometimes may make.

You are aware that his Imperial Majesty having approved my manifesto, it is not in my power to destroy what has been published, and I have endeavored not a little to consider only in rigorous blockade the ports which I have mentioned above.

I have imparted to you all which offers itself upon this subject.

I remain yours, with much consideration and esteem,

RODRIGO JOSE FERREIRA LOBO,
Vice Admiral, Brazilian Navy."

"*U. S. Ship Cyane, off Monte Video,*
May 4th, 1826.

Sir,—There is still one letter of your Excellency to which I feel called upon to reply, in taking leave of the subject we have had under discussion. I will briefly remark that I have not yet seen the grounds on which his Imperial Majesty presents the justice of his blockades of the extent you set forth in answer to my note of the 3d ult; second, that because some of the European powers have attempted to introduce a system most pernicious to the commerce of non-belligerents, the justice of similar actions on the part of one of the youngest governments on this side of the hemisphere can by no means be made apparent. If there is authority, I should be glad to see it, and will submit for your further consideration some other on the subject of blockade, which is new to us on this side of the water, and requires great circumspection in the introduction of a system, which, in the end, may be quoted and used successfully against us. The following is of British origin, strengthened by reference to those able writers on international law, Grotius and Vattel.

'It is under this impression that tribunals of the law of nations, before they have enforced the provisions of a blockade, have uniformly required it to be established by clear and unequivocal evidence; first, that the party proceeded against has had due notice of the existence of the blockade, and secondly, that the squadron allotted for the purposes of its execution, was fully competent to cut off all communication with the interdicted port. These points have been deemed so indispensably requisite to the existence of a legal blockade, that the failure of either of them has been held to amount to an entire deference of the measure; and this even in cases where the notification of it has issued immediately from the fountain of supreme authority.' —*Chitty on Belligerent Powers and Neutral Rights.* Boston edition, pages 129, 131-2.

The blockade must not only have been declared by competent authority, but must be also an actually existing blockade. A blockade is there only to be considered as actually existing, when there is a power to enforce it. (*y*). 'The very notion of a complete blockade,' said Sir William Scott in the case of the Sterl,* 'includes that the besieging force can apply its power to every point of the blockaded state. If it cannot, there is no blockade of that port where its power cannot be brought to bear.' We find, however, from the case of the Frederick Molke,† that 'it is not an accidental absence of the blockading force, nor the circumstance of being blown off by wind, (if the suspension and the reason of the suspension are known,) that will be sufficient in law to remove a blockade.' But if the relaxation happen not by such accidents as these, but by mere remissness of the cruisers stationed to maintain the blockade, (who are too apt, by permitting the passage of some vessels, to give fair grounds to others for supposing the blockade concluded,) then it is impossible for a court of justice to say that the blockade is actually existing. 'It is vain,' said Sir William Scott in the case of the Juffron Marid Schroeder,‡ 'for governments to impose blockades, if those employed on that service will not enforce them; the inconvenience is very great, and spreads far beyond the individual case; reports are easily circulated that the blockade is raised; foreigners take advantage of the information, the property of innocent persons is ensnared, and the honor of our own country is involved in the mistake.'‖ This was decided in the court of appeal in February, 1792

Perhaps I may be considered as travelling a little out of the strict path of my duty as a naval commander, when I present for your information these authorities on international law; but when one feels disposed not to call forth unpleasant discussion with our respective governments, there is always a hope when light can be shed, and this reference seems to meet the present case at issue.

I did not expect you would have introduced the case of the Grace Anne; it is one to which you may have supposed I had an allusion in the closing paragraph of my communication. She was a trading vessel belonging to citizens of the United States,

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* Mercurious, 1 Rob. Rep. 80.

† 1 Rob. Rep. 86; 1 Rep. 93, 94, 147, 156; 1 Acton's Rep. 59.

‡ 4 Rob. Rep. 66; 1 Acton, 64-65; Ld. Erskine's Speech, 8th March, 1808, on the orders in council, 10 Cobbett's Parl. Deb. 949, 50.

‖ Rob. Rep. 156; ibid, 158, 159; 1 Acton's Rep. 59. See also Dr. Phillimore on License Trade, 52, in notes.

from one of its ports destined for Buenos Ayres. Since the receipt of your note, the particulars of her case, as well as those of the brigs Henry of Portland, and the Joseph of Boston, have been presented to me through an official source. The former, it appears, was taken forcible possession of, off the Ortiz, by your squadron, brought back to Monte Video, and there detained three days as a prize, and at the same time the master was denied all opportunity of having intercourse with the shore, or of communicating with the U. S. Consul: and she was farther detained full three weeks in your possession, on the pretext that she had more goods on board than was stated in the manifest of her cargo. The Henry was also boarded off Buenos Ayres, the vessel overhauled, the mate and one of the seamen most cruelly beaten; and the Joseph was also taken possession of off Monte Video, there held, the vessel drifted about by the current, and returned to the master, her geographical position not then known, and was eventually lost on the English Bank. These points are presented for your explanation. I will further beg leave to remark to your Excellency, that it has always been admitted that when a blockade is established first on lawful principles, a trading vessel has a right to present herself before any force there, to qe warned not to enter the port; should a further attempt be made, she may be taken possession of, and under the forms of a trial be condemned. It becomes a matter on which the vessel and cargo is forfeited. I am somewhat at a loss to perceive how your Excellency can believe your force stationed in the blockade of all the ports of the Rio de la Plata according to maritime principles, being in a line parallel to a shore distant on one side thirty miles and on the other seventeen, and from the three most important ports more than one hundred miles—commanding the space between your buoys, where vessels may pass and repass unseen at their pleasure; instanced in the arrival at Buenos Ayres whilst my ship lay there, of an American, of a French, and of two English brigs, all richly laden.

Possessed of a fleet of nearly fifty sail wearing the flag of his Imperial Majesty, and now in the La Plata, Admiral Brown, from a declared blockaded port, with a temporarily fitted force of only six vessels, passes and repasses at pleasure in your presence, and within twenty miles of you, attacks and captures at Colinia and Monte Video, both his Imperial Majesty's vessels of war and also those of his subjects; this fact is instanced in the arrival, within the space of six days, of six prizes at Buenos Ayres.

On closing this, the undersigned begs leave to call your Excellency's attention to his former communication, setting forth the views of his government on the subject of blockade, and trusts they will meet with the entire approbation of his Imperial Majesty. With high considerations, &c.

J. D. ELLIOTT.

Don Rodrigo Jose Farreira Lobo, Vice Admiral, commanding the Brazilian forces at the Rio de la Plata."

"At 8 A. M. moderate pleasant weather; at 9, discovered the vessels at anchor ahead to be the Brazilian blockading squadron, about 10 miles E. S. E. of the S. E. end of the Ortiz bank; at 9 30, observed five vessels of war under weigh, standing towards us; at 10, made them to be one frigate, one corvette and three brigs; prepared for battle and showed our colors; at 11 shortened sail to the topsails, and hauled up for the Brazilian squadron under weigh; at 11 30, the frigate was on the lee beam at about 150 yards distance, two brigs on the lee bow, the other a little on the weather quarter, and the corvette astern and to leeward; at 11 40, hailed the frigate and asked her name; answered, 'His Imperial Majesty's frigate Maria da Gloria.' The name of our ship was then asked and given, succeeded by a demand that a boat should be sent. This demand was peremptorily refused by Captain Elliott, adding that a boat should never be sent from his ship, although one would be received; observed the guns of the frigate trained and tompions out; kept the larboard guns on the main deck manned for the frigate, and her consorts on the lee bow, and manned the starboard quarter-deck guns for the brig on the weather quarter; observed the brig on the weather shortly after drop astern; at 11 45, received a boat from the frigate and brig with two officers, who were introduced to Captain Elliott in his cabin, by whom he was informed that the port of Buenos Ayres was blockaded, and he could not be permitted to proceed. To which he replied that, if even he were to admit their right to proclaim the blockade of an extent of coast against a civil marine, he could

not against neutral vessels of war; that both English and French vessels of war were in the habit of proceeding almost daily, to and from Monte Video and Buenos Ayres as instanced both in the British and French corvettes Fawn and Chasseur: that he would allow him thirty minutes to deliberate on his future actions, and at the expiration of that time he would proceed, prepared to resist all consequences; that the flag he wore carried under it the sovereignty of the soil it represented; that violated, the soil became invaded; and that he should defend his ship to the last moment Captain Elliott further observed to the officer, that he had a communication for Admiral Lobo, which was requested. Captain Elliott declined giving it to the officer until he returned from his frigate and discovered her true character. At 12, the Brazilian boats left the ship; during all this time the weatherly position of the ship was maintained, and every other precaution taken to resist, with effect, an attack from the squadron, which appeared to be meditated; at 12 20, hailed the frigate to know if they had any further communication to make; they answered by asking if Captain Elliott would send the Admiral's letters and papers: yes, was the reply, if you will send a boat; at 12 45, a boat came alongside for letters and papers for the Admiral, with the compliments of the commanding officer to Captain Elliott, tendering every civility, and offering any supplies he might be in want of, with his best wishes for a speedy and pleasant passage to Buenos Ayres: Captain Elliott returned his compliments and thanks, adding that his ship was abundantly supplied with every necessary, and that all he wanted was a free and generous intercourse with all nations, concluding with an offer to be the bearer of any communication the commanding officer, or any other in the squadron, might have to make with Buenos Ayres; at 1, the Brazilian boat departed; bore up, passed within hail of the Brazilian squadron along their line; made all sail for Buenos Ayres."

Whilst cruising on the coast of Mexico, I learned that among other outrages committed by the Mexican naval force, an American seaman had been impressed from the ship Virginia of New York, whilst she was lying in the harbor of Vera Cruz. I immediately addressed Admiral Lopez upon the subject, and the following correspondence was the result:

"*U. S. Ship Falmouth, off the Island of Sacrificios,* December 26th, 1829.

SIR,—The undersigned, commanding the United States naval forces in the West Indies and Gulf of Mexico, takes this occasion to address to Captain Francis Paula Lopez, commanding the Mexican naval forces at Vera Cruz, a few remarks on the subject of the seaman Lewis, a citizen of the United States, who had some time since been impressed into the naval service of Mexico, and more recently from on board the merchant ship Virginia, of New York, while in this port, conducting a lawful trade, and conforming to all the laws adopted for the regulation of commercial intercourse.

Whilst the undersigned expresses his regret that the interposition of his military authority should have been necessary, from the failure of the application of the accredited agent of the United States at Vera Cruz, in obtaining the release of the seaman in question, he would remark that the seamen of the United States are a class of her citizens on whom the Government, the Nation, and more particularly the Navy, look as highly valuable, and entitled in an eminent degree to their protection and consideration; whose industry in times of peace supplies the Government with pecuniary means, and whose blood flows copiously in conducting its defence.

The undersigned regrets that he had not been apprised at an earlier moment of all the circumstances attending this case, which would have imperiously required him to have seen the wrong properly redressed by the same hand which had inflicted the injury, previously to the departure of the Virginia from Vera Cruz, for the port of New York.

Possibly all the facts connected with the impressment of the person whose liberty has been demanded and obtained from you, may not have been fully represented

to your view. Under this supposition, the undersigned takes occasion to state that some time since, Lewis became impressed into the naval service of Mexico, whilst invaded by a foreign enemy. During the time he was impressed, he sought an opportunity of returning to his native country, and embarked in the ship Virginia, of New York, for the United States. On board of this ship he was arrested, and taken by violence to the Congress ship of the line, by an officer acting under presumed authority. Since then he has been fettered in chains; and the more publicly to expose his arbitrarily assumed guilt, has been employed in the execution of a degrading duty on shore. In this situation he throws himself personally on the protection of the United States Consul, who demands his release, but whose demand is rejected.

The recital of these circumstances has excited feelings which the undersigned forbears to express. Those sentiments, in the production of which the subject is so fruitful, which would be unpleasant to him to communicate, and to yourself to hear, he will suppress while conferring with the representative of a sister republic, which, in its infancy, his government has cherished, and in its maturer age has patronized and encouraged, which at this moment is disturbed with internal commotion, and threatened by an enemy from abroad. Bearing in mind the friendly disposition of his country towards the Republic of Mexico, the undersigned has been prompted to extend every courtesy, which you will do him the justice to say you have received at his hand, as well as from those acting under his authority, since his arrival on your coast.

The undersigned hopes that the officer in command of the naval forces of Mexico at Vera Cruz, will be enabled to render such an explanation on this subject as will amount to a redress of the wrong complained of, and convey an assurance that there will not be a recurrence of the same.

With all due consideration, the undersigned has the honor to subscribe your obedient,

J. D. ELLIOTT."

"*Department of Marine of Vera Cruz.*

The Consul of the United States of the North verbally claimed from me the seaman John Lewis, who was confined for a proven theft, and of which he was informed by the party aggrieved; but having offered to deliver the seaman up to him, notwithstanding this fact, I complied with my word, as we have always acted in perfect harmony in all matters which have occurred between us. Therefore, although I had received a verbal communication from you through one of your officers, I replied that I would send the order to the Consul as soon as it should be received at my office, believing that to pursue a different course would be to offer an insult to him, contrary to the laws of nations, and very foreign to my character. Two hours after enclosing to him the said order, placing the seaman John Lewis, at his disposal, I received your note, which indeed somewhat surprised me, as much for the reasons already given, as because you are pleased to say, that "*the interposition of your military authority was necessary,*" which I can conjecture to be founded on a mistaken idea of what has passed, as in no case whatever, having a Consul at this place legally recognised by your government, and in the Capital a Minister placed at the head of affairs, can you make a demand of me by virtue of your military authority without a powerful motive.

I should be false to my principles were I not to declare frankly and sincerely, the urbanity and consideration which yourself and the other gentlemen under your command have been pleased to dispense to me in particular, as well as in general to the corps which I command; and were I not to acknowledge with which I was treated at Pensacola by the officers of the Navy of the United States of the North, when I commanded the brig Guerrier, for which attention I shall never find language to express my gratitude.

As well for the causes above exposed, as for various other manifestations of brotherly feeling, I and every other true Mexican will be grateful, as also for the protection which our independence received in its cradle from the United States of the North, being, as they were, the first republic to declare their acknowledgment of it. I should be false to my principles and honor, if concealing this truth, I were not to contribute to preserve intact the neutrality of two republics who ought to

maintain intimate relations of friendship with each other, as you and I fully understand.

In this despatch I believe I have answered your note of the 26th inst., and which a want of health and my little aptitude at translation have caused me to delay until now, when I have the satisfaction to do so, hoping you will be pleased to excuse the delay, and certain that at all times I have endeavored to avoid causes of unpleasant altercation.

I offer to you the distinguished consideration and respect of your most attentive and ob't serv't.

FRANCISCO P. LOPEZ.

Vera Cruz, 31st December, 1829."

"*U. S. Ship Falmouth, before Vera Cruz,* January 2d, 1830.

SIR,—Your letter of the 31st ult. has been received. In my communication of the 26th of the same, to which yours is an answer, I endeavored to impress you with a sense of the unjust and cruel treatment extended to the seaman Lewis, by detailing the circumstances of his case. Of the truth of these, relying on the veracity of the Consul of the United States at Vera Cruz, I have not entertained the slightest doubt. If they had been misstated, it was reasonable to expect from you a confutation. Until you shall have made it appear that there has been misrepresentation, I shall remain firm in the sentiments which I have already expressed.

I am aware of the fact contained in your note of "there being a Consul in this place, legally recognized by my Government, and a Minister located in the Capital at the head of affairs." I am also aware that the exertions of the former had proved unavailing; and that not until my interposition was the release of the seaman granted. It is equally true I have not presented myself before you in the capacity of a diplomatic agent. Within the range of my command is included the coast of Mexico, where my object is the protection of our commerce; and in order to the complete attainment of this, it is my duty and determination to afford relief and protection to all who are lawfully engaged in it. In doing so, I will ask for nothing that is not clearly right, and submit to nothing that is wrong. This may serve to relieve you in some measure from the surprise occasioned by, and to explain to you the motive which called for "the interposition of my military authority," which only became necessary upon your refusal to comply with the request of the Consul of the United States, for the release of the person whom you persisted in detaining in your service.

On what grounds you continued his impressment, notwithstanding repeated demands from that officer for his release, I am at a loss to discover. You speak of his "being a prisoner, in consequence of a proven theft." And you consider the *information of the party aggrieved as sufficient evidence*, and upon that alone you pronounce his guilt. But suppose his guilt established. Surely you do not mean to plead it in defence of the treatment you have visited upon him since his original impressment; to raise up an apology for your own injustice out of his crimes. For these he has suffered ample punishment in the infliction of thirty-six lashes on his naked body, ordered and inspected by yourself, immediately subsequent to his second impressment from on board the Virginia. And are you not willing to confess this an ungrateful return for the services he has rendered? Might you not have palliated his offence, (which is by no means established,) by reflection on the state of eruti destitution, of penury, and of bodily disease, in which you retained him? Might not the recollection of the hospitable treatment you received at the hands of his countrymen have inclined you to a different course? I feel more than usual ardor while dwelling on a subject of so much interest to myself, in common with all my countrymen. We have long since demonstrated our aversion from the practice of impressment. We have already shown a determination not to submit to the views of those who have construed it into a right. Our Government, in waging with England both the war which eventuated in our independence, and that whose object was its maintenance, was strongly influenced by a desire to destroy this obnoxious principle.

It would be satisfactory to understand from you the reasons which have influenced you in your treatment of the individual in question, as well as the course you design

pursuing in relation to our seamen generally, who may chance to be on your coast. It is to be hoped you will concede a point which even your ancient and present enemy secured to us by treaty, previously to the commencement of your strggles for independence.

A nation contending for liberty in her own case, should be the last to violate it in the case of another. It would be an utter inconsistency in any people to adopt in a particular instance, the very principle which they are struggling to destroy.

I have the honor to be, very respectfully, sir, your ob't and humble serv't,

J. D. ELLIOTT.

Capt. FRANCIS PAULA LOPEZ, Commanding the Mexican Naval Forces at Vera Cruz."

"*Department of Marine, of Vera Cruz.*

I have received your attentive note of the 2d instant, in which you reply to mine of the 31st of the last month, when I requested you to have the goodness to excuse my delay in answering yours of the 26th, on account of the difficulty I find in translating, and of some suffering in my health; and although in my above mentioned note, I stated that yours had surprised me, it was because I had already complied with the request of the Consul, to whom I appeal, in order that you may, if you think proper, inform yourself what conduct I have observed towards that gentleman on all occasions since we have been acquainted.

I am frank and ingenuous; I will not deny that the order was not sent with the despatch which ought to have been used, because the chief clerk whom I directed to enter it, had forgotten to do so, and also because of the bad weather experienced at the time.

As to the individual in question, I have made known to you the motives for taking him on board. As to the course of conduct which you exact from me, and the manner in which American seamen who may be upon our coast ought to be treated, you may be well satisfied that for myself, as far as I may be concerned toward them, there will be no ground of complaint which can give offence, either at this time or in future; wherefore if my former declaration was not sufficient to convince you that it is not and never has been my intention to be wanting in respect either to yourself or to Mr. Taylor, I believe that the present will be so, and I repeat that my sentiments have never been different from those I have expressed.

I have the honor to offer my most distinguished consideration and respect,

FRANCISCO DE P. LOPEZ.

Vera Cruz, Jan. 3d, 1830."

"*U. S. Ship Falmouth, before Vera Cruz,* January 4th, 1830.

SIR,—I acknowledge the receipt of your letter of yesterday. From the conception which, considering the difficulty encountered in translating it, I have formed of its contents, it bespeaks a determination on your part to pursue a different course hereafter. On the subject of our short correspondence, I have felt deeply. Had the wrong complained of proceeded from the functionaries of a monarchy, a form of goverment is which republics bear but little affinity, I should not have felt the same surprise. But my feelings amounted to regret when I reflected upon the injustice which the representative of a free people had sanctioned.

I am happy to understand from you your intention of adopting towards American seamen, a mode of treatment which is calculated to reflect glory on your country, and to promote the harmony of the two republics. Here I cannot omit presenting to your consideration the following emphatic remarks of the present Chief Magistrate, while on the subject of our sister republics at the South, contained in his last message to the Congress of the United States. While I do so, I cannot but expect it will meet with the admiration of every friend of liberty. "We trust, however, that the day is not distant when the restoration of peace and internal quiet under permanent systems of government, securing the liberty and promoting the happiness of the citizens, will crown with complete success their long and arduous efforts in the cause of self-government, and enable us to salute them as friendly rivals in all that is truly great and glorious." This sentiment I hope will be reciprocated by all true Mexicans

As I am about to take my departure for other ports of my command, I cannot but express my hopes for the prosperity of the Republic of Mexico. I shall be happy on my return to find her present difficulties removed, and herself in the possession of internal peace, and in the enjoyment of all the benefits which must flow from a permanent and settled form of government.

I have the honor to be, very respectfully, sir, your ob't serv't,

J. D. ELLIOTT.

Capt. F. P. Lopez, Commanding the Mexican Naval Forces at Vera Cruz."

"*United States' Ship Erie, Harbor of Matanzas,* December 3d, 1830.

Sir:—The undersigned, commanding the United States naval forces in the West Indies and Gulf of Mexico, takes occasion to bring to the notice of your Excellency, an occurrence which took place in the harbor of Matanzas on the morning of the 11th ult. the character of which is developed in the protest of the master and crew of the brig Elizabeth, of Bath, and the certificate of the masters of American vessels in the port at that time, copies of which accompany this communication, marked A and B.

The undersigned is informed that the commander of the United States' sloop of war Natchez, (who left here previous to his arrival) made a call upon the Governor of Matanzas for an explanation of the causes which led to this event, which was answered by the officer in charge of the government, by a reference to your excellency.

The undersigned does not believe that your excellency is disposed to sanction such an arbitrary exercise of military authority, on the part of the officer by whose orders the aggression was committed on the brig Elizabeth. She was engaged in lawful trade, and having conformed to all the commercial regulations recognized in the port, was about to leave it at the usual hour in the morning, when she received a shot from the Fort, which not only injured her considerably, but wounded three of her crew, one of them severely, although the hail from the Fort had been repeatedly answered, and the vessel brought to an anchor.

It is doubtless known to your excellency that such is the character of the harbor of Matanzas, that unless advantage be taken of the land breeze which is felt at the earliest period of the morning, it not unfrequently happens the vessel desiring to depart is detained during the remainder of the day. Under these circumstances, and the brig Elizabeth being provided with all the requisite passports from the proper authorities here, the undersigned cannot perceive the necessity of the extreme rigor which has been exercised towards her. In the present instance, it appears to the undersigned that the blood of his countrymen has been wantonly shed and their property injured, without adequate cause, and that this act, emanating from an officer of the government, is inconsistent with the spirit and tenor of the treaties existing between our respective governments, for the guidance of the subjects of His Catholic Majesty and the citizens of the United States, and having for their object the general advantage and reciprocal utility of both nations. Your excellency being so well acquainted with all the articles of the treaties alluded to, I deem it unnecessary to call your attention to more than the 7th and 8th articles of the treaty of October, 1795. Whilst the undersigned has never countenanced any improper acts of his countrymen, they expect protection when engaged in lawful commerce, and his government will require of him the exercise of his power in effecting it.

Aware of the excitement which this occurrence may produce in the United States, and that which has already manifested itself among her citizens residing at Matanzas and in its vicinity, as well as among those of the fleet under his command, the undersigned, whilst he is still animated by the feelings which he had the honor to express in his communication to your Excellency of 4th March last, trusts that such measures will be taken promptly by your Excellency, as may redress as far as possible the wrong already done, and prevent a recurrence of a similar outrage.

Relying confidently on the justice of your Excellency, the United States' schooner Shark, Lieutenant Commandant Boerum, is despatched with this communication, and will await your reply.

The undersigned renews to your Excellency assurances of the high consideration and respect with which he has the honor to subscribe himself,

Your Excellency's most obedient servant,

J. D. ELLIOTT.

To His Excellency, Don Francisco Dionisio Vives, Captain General of the Island of Cuba, &c. &c. &c. at Havana."

"*United States' Ship Erie, Harbor of Matanzas,* December 12th, 1830.

Sir:—I have the honor to acknowledge the receipt of your Excellency's communication of the 6th inst. and regret to find that the report made to your Excellency relative to the conduct of the brig Elizabeth, varies so materially from the detailed statement of the case made by the master and crew of said brig on oath, and the certificates of the masters of American vessels in this port at the time, who, from their situation, could not easily have been mistaken. The usual pass had been deposited in the Fort; if this be the "special permission from the local authority," to which your Excellency alludes, the Elizabeth appears to have attained it, and therefore infringed no orders in attempting to leave the port.

It is matter of general notoriety that for some years past, and until the affair of this brig, vessels had been allowed to depart from the port of Matanzas during the interval between the retreat and morning gun, without molestation; and doubtless the relaxation of the general regulation, was a measure of necessity arising from the peculiarities of the port, and it must be well known to your Excellency that an early departure from the Northern ports of this Island, enabling vessels to get clear of the land before night, rendered them less exposed to depredations. Previously to the receipt of your Excellency's communication, I was not aware that a cautionary message had been sent by the commandant of the castle. Upon inquiring, I have since been informed that a verbal message to that effect was sent by a negro, who failed to deliver it. After reviewing all the circumstances, I still retain my past impression that the brig Elizabeth has been rigorously dealt with. In reference to the letter, a copy of which accompanies your Excellency's communication, I have to reply that although officers under my command, when commanding vessels separated from me, are expected to call on public authorities, for explanations of any wrong committed on the persons or property of our citizens engaged in the pursuit of lawful commerce, nevertheless, I am not disposed to countenance any departure from the courtesy and civility due to such authorities.

In the present instance, I had expressed my disapprobation of the style of the letter complained of, previously to the receipt of your Excellency's communication. If your Excellency will advert to the first letter from the commander of the Natchez, in which he calls the attention of Colonel Don Francisco de Paula Albuquerque, Governor ad interim of Matanzas, to the affair of the brig Elizabeth, your Excellency will perceive it breathes every feeling of civility and respect which even the most fastidious could have desired: and a word of timely explanation would have served to correct unfavorable impressions, and probably have saved me from the necessity of addressing your Excellency on a subject so disagreeable. By referring to the last letter of said Colonel and Governor ad interim, it will appear that he supposed a fault had been committed, and that your Excellency would not leave unpunished him who deserved correction.

The consular agents appointed by our government for the Island of Cuba not having been accredited by that of his Catholic Majesty, it devolves upon us to take cognizance of matters more properly appertaining to such agents. I hope therefore your Excellency will be disposed to excuse an occasional deviation from diplomatic forms, and let me trust that such a remedy may ere long be applied, as will supercede the necessity of the officers of this squadron having to contend otherwise than on their peculiar element.

I have the honor to be, with great consideration and respect, your Excellency's most obedient servant,

J. D. ELLIOTT.

To His Excellency, Don Francisco Dionisio Vives, Captain General of the Island of Cuba, &c. &c. &c. at Havana."

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THE CASE OF PASSED-MIDSHIPMAN BARTON.

As much interest has been awakened in regard to the case of Passed-Midshipman Barton, and public sympathy has been attempted to be enlisted in his behalf to my prejudice, both as a man of humane feelings and an officer worthy of the confidence of the nation, I will present the documents in relation to the matter. I do so with far less regret than I would feel as to a similar course, when required by any professional obligation that could control me; especially when a subordinate was in question. I am compelled to the measure in vindication of myself. I wish to cast off the aspersions which have been thrown upon me in relation to the matter, in every form and degree. When absent on duty, and afar from my country, inflammatory appeals were made against me in certain prints; and all the odious terms which could be made to designate a monster in cruelty, were most lavishly bestowed upon me. I come now in my own defence. I appear now, not to solicit an exercise of your sympathies, nor to seek for a bestowal of lenient and charitable judgment towards myself. The tale I tell, although plain and unvarnished, shall not even be mine! I spread before you documents, which bear upon them and about them their own claims and value. If these papers vary from statements elsewhere made, let the discrepancies be accounted for by others, and be fixed where they legitimately belong. I give them to the world, and that world can judge whether I am lacking in humanity, in any of the attributes of manhood, or in the requisites of the profession to which it is my privilege and honor to belong

The following is the charge upon which I was tried before the Court Martial, and which it is needless to say was strongly sustained by the oath of Passed-midshipman Barton.

Charge 1*st*.—Cruelty and unofficer-like conduct to Passed-midshipman Barton, in the Mediterranean, in November, 1835—the removal of said Bartan, when wounded, from the "Constitution" to the "Shark," and afterwards setting him, the said Barton, on shore without funds.

No. 1.

U. S. Ship Constitution,
Port Mahon, Feb. 16, 1836.

Sir—I had the honor, on the 29th ult. to state my arrival at Gibraltar. I left for this the same day, and by calms and adverse winds was delayed on my way hither to the present. In this communication, I have respectfully to call your attention to some farther considerations in the case of Passed Midshipman Barton, the particulars of which I had the honor to transmit you from Gibraltar Bay, April 20th, 1836. In consequence of a libellous statement of these proceedings, re-published in the Army and Navy Chronicle of September last, herewith appended, and the libel complained of having an extensive circulation among the officers generally, I feel myself called on to put you in possession of the documents corroborative of the facts and contradictory of the statement referred to, all of which would have been contained in the record of proceedings, had not the young gentleman absconded from his station. I would add that the testimonies were taken from parties who were present during the existence of the matters referred to. I would respectfully suggest that no publication, especially a journal which assumes to be devoted to the interests of the Army and Navy, and which is distributed among an integral part of the Department, find patronage from Government, whose officers it aids to calumniate, and which is made the vehicle of abuse levelled at those in service abroad. I would here call your attention to one portion of the libel in reference to the stated causes of the removal of Mr Barton from the Constitution to the Shark. While we lay at Mahon, in October 1835, Passed Midshipman Barton struck my clerk and mutilated his face, in consequence of which the former was restricted from shore, and a promise obtained from the latter, that he would not call Barton out, which I was informed it was his intention to do, with my threat that if he did I would dismiss him (my clerk) from the squadron. A few words will explain the matter in reference to the "drawings" and "requisitions" which I made on the "graphic talents" of Mr. Barton. This young gentleman had previously sent me in, unasked, little specimens of his drawings, and wishing to procure a particular one to send the Navy Department, I requested its execution before his being restricted from shore, and pending its continuance he returned for answer by my secretary, *to know if he was in quarantine*, declining to mix official with private business. I held no farther communication with him on these matters. It was my intention to have gone to Smyrna, learning at Athens that the plague was in the neighborhood prevented. It will be perceived, by the subjoined extract of a letter to our Consul at Smyrna, in whose charge this young gentleman was left, that I directed him, if able, to repair to Malta and join his vessel at that place, which was there in expectation of receiving him. By a passage from the Consul's reply, it will be seen that he had no intention of obeying the order; and by accounts since received, it appears that he has deserted his station and returned to the United States. It was my intention, in a court martial, to have brought in Mr. Barton in connexion with the other parties whom I had tried, but his going home prevented me.

Extract of a letter to David Offley, Esq, United States Consul at Smyrna, dated at Athens, August 21st, 1836.

"The schooner Shark will be there (Malta) early in October. If Mr. Barton is in a state to join his vessel, he can meet her there at that time."

Extract in reply to the same from David Offley, Esq. dated at Smyrna September 17, 1836.

"Passed Midshipman Barton is still here, and has informed me of his intention to leave for the United States per the first vessel. I shall have to lend Mr. Barton about $200; he will owe his doctor's bill, and I believe about $9 or $10 to Stitz; for all of which he will give a bill on the Navy Department."

I merely add again that this movement on the part of Mr. Barton is a desertion of his station, and a direct disobedience of the express orders to him.

You will perceive by the accompanying testimonial that every sentence of the letter which I previously addressed you on the subject is correct. I consider that if necessary or expedient, that the Fleet Surgeon is bound to advise with me on medical and surgical matters, and that where the good of the service requires, and its discipline is at stake, the Fleet Surgeon must yield in all cases to the opinions and the decisions of the commander-in-chief. When Dr. Boyd returned to the United States, he parted with me in the most open and affectionate manner, expressing at the same time his acknowledgment of the many obligations he was owing to me. By reference to the letter which I addressed you, it will be seen, with what extreme delicacy the affliction was alluded to, which he based as his reasons for returning home. This affliction was to be explained to you by a mutual friend of the parties; the pretext, as stated to me by him, was the plea of his wife's insanity; but from subsequent evidence, it appears that other objects were connected with the return of Dr. Boyd to the United States. During his continuance with me, nothing occurred to mar the harmony and good feeling between us, and he left me with renewed expressions of good will; but the moment he arrives on the other side of the Atlantic his whole course becomes changed, and he allows his name to go forth with a party whose sole object appears to proceed from heart burnings and discontent among a certain portion of officers, and if possible to excite them to acts of hostility and disobedience towards me. I cannot help remarking that Dr. Boyd has assumed an attitude in the matters pertaining to Passed Midshipman Barton and myself, which seems to call for the investigation of the Government. Dr. Boyd knew well the decided stand I had taken to prevent the hostile meeting between the young officers of the squadron. To further my determination, I requested Dr. Boyd to ask the surgeons of the fleet to agree not to attend professionally, they nor their mates, any parties who should go out on affairs of honor, and thus create as many obstacles as possible to prevent those meetings. In this I was aided so far by Dr. Boyd as to receive from him the first notice of an intended meeting between two young gentlemen of my ship. Thus strengthened and assisted, as I thought I was, in my movements by the fleet surgeon, I looked, at least on the part of Dr. Boyd, for co-operation and aid to unite with me in all the cheeks which I put against the practice of duelling. In this it seems I have been disappointed, and now he allows his name to go forth and to be coupled with the slanders and abusive epithets of my enemies, and the irresponsible scribblers of the press.

The length of this communication will be excused in the desire to lay before you each particular, and to open to your view the whole ground of the matter; and which I trust will be taking a final leave of the affair.

Very respectfully,
Your obedient servant,
J. D. ELLIOTT,
Commanding United States Naval Forces in the Mediterranean.

HON. M. DICKERSON, Secretary of the Navy, Washington, D. C.

No. 2. AT SEA.

Deposition of George Dinnatt, seaman, U. S. Ship Constitution, Feb. 10, 1837.

That some time between the 1st and 8th day of November, one thousand eight hundred and thirty-five, I was gun-deck sweeper for the fore-top; that Robert Whittaker, boatswain, came on the gun-deck and ordered all the watch on deck, sweepers included; that in accordance thereto I went on deck with my broom in my hand, and I proceeded to the starboard fore-lift jigger; that while there Passed Midshipman Barton, master's mate of the gun deck, came up the starboard fore ladder, and called out for me, and I immediately answered him. He then asked me what I was doing on deck. I told him I was sent up by the boatswain to make sail: he said, damn your eyes go down below, and don't come on deck again without an order from me. Upon which I turned to go down below, when he took the broom out of my hand, and commenced pushing me on the legs with it. I turned round and told him that if I had done wrong to take me to the officer of the deck and let him punish me, or something to that purpose; that he then raised the broom to strike me, when I seized it and took it from him and threw it on the deck and turned to go round the foremast to go down into the larboard fore ladder, when I immediately felt a sharp instrument enter my thigh, which proved to be a dirk thrust by the said Passed Midshipman Barton.

his
GEORGE ✕ DINNATT,
mark.

Witness—JAMES CONWAY.

No. 3.

AT SEA.

Deposition of Robert Whittaker, Boatswain, United States Frigate Constitution, February 10, 1837.

On the morning alluded to, some time between the 1st and 8th days of November, one thousand eight hundred and thirty-five, I was sent by the officer of the deck down on the gun-deck to send all hands belonging to the watch on deck, to make sail. George Dinnatt, seaman, was at the time fore-top sweeper: he went on deck carrying his broom along with him, and went to the fore-lift jigger, on the starboard side; that Passed Midshipman Barton, came up the starboard fore ladder, and called out for George Dinnett, who immediately answered him. He (Mr. Barton,) asked him what he was doing on deck, to which he answered, that he was sent by me to make sail; that Mr. Barton then said, damn your eyes go down below and don't come on deck again without an order from me. He, George Dinnatt, turned round to go below, when Mr. Barton took the broom outof his (George Dinnatt's) hand, and commenced pushing against his legs with it. He (George Dinnett) then told him if he had done wrong to take him to the officer of the deck and have him punished; that Mr. Barton then

raised the broom to strike him, and he, (George Dimatt) seized it and took it from Mr. Barton and hove it down on deck, and then turned round the forecast to go down the larboard fore ladder; that Mr. Barton pulled out a dirk from his inside (jacket or coat) pocket, and plunged it into (George Dimatt's) hand or thigh, and said, "there, I'll let you know whether you will attempt to strike an officer or not." During this time I was standing in the fore-castle getting forward of the swifter. There were also several men looking on at the time, viz: Alban Conlint, Jesse Gay, John Cooper and William Atkins, who are willing to attest to this.

ROBERT WHITTAKER,
Boatswain United States Ship Constitution.

No. 4.

UNITED STATES SHIP CONSTITUTION,
Gibraltar Bay, April 20, 1836.

Sir—By some accounts from the United States that I have just received, I find unnecessary consequence has been given to the affair of Passed Midshipman Barton at Smyrna; and I therefore deem it proper that you should have a full statement of the facts. One day on the quarter deck, a man came aft and requested permission to speak to me, which I granted. He then asked, were the young gentlemen allowed to run their dirks in them with impunity? I immediately inquired into the matter, and found that Mr. Barton had, for some trivial cause, in the heat of passion, dirked the man. To avoid a court martial, I ordered him to the Shark, with strict injunctions to his commander not to allow him to visit the shore without further permission, apprehensive that some difficulty might arise with the other young gentlemen of this ship. However, through some management of his with the launch officer, he got ashore, and the meeting between him and Wood took place, the particulars of which you have been apprised of. By the advice of his surgeon, he was brought alongside of the ship, and Lieutenant Boerum objected to his coming on board, but upon the urgent solicitation of the surgeon he was admitted. On my return to the ship, some two hours after, it was reported to me by the first Lieutenant, and I immediately ordered him to be carried to his own vessel, determined not to countenance any of these meetings upon slight grounds. Upon the approach of the fleet surgeon to the cabin, I told him that I would hear nothing about his remaining on board the flag ship; that if he could not be comfortable on his own vessel, to carry him on shore. He was accordingly taken to his own vessel. The next day his surgeon told me that he was uncomfortable where he was, and I then directed him to be carried on shore, which was done. I sent my largest and best boat, so that he could be carried comfortably, and a man from the schooner to attend him, and also directed that the fleet surgeon should visit him as long as the ship remained in port. I knew that from the nature of the wound, a long and tedious confinement was unavoidable, and that he was as unfit to be kept in a ship of war, and we were momentarily expecting to leave there. I directed every article belonging to the surgical department of the schooner, that was required for his use, to be left, and she was therefore destitute, and even went to sea without them. When I left, I had every thing done for his comfort, left him two months advance, with a letter of credit on the schooner, and under the charge of an old and valued friend of mine, Mr. Offley, United States Consul, with an expert surgeon to attend him, until the schooner returns and takes him board.

I am fully determined not to countenance those meetings, for they occur upon slight and insufficient causes, and therefore, considering myself the guardian of the morals of the young gentlemen under my command, I feel in duty bound to do every thing in my power to prevent them. Rarely does a case occur that is not productive of regret to themselves for the previous transaction; and that our friends may know what unnecessary trouble is given to commanders from the want of proper disciplined schools and institutions at home to train them for coming abroad. Still I am the last officer in the Navy that would have one of them yield a point of honor, and would go farther, even assist them in contending for it.

I am, very respectfully,
Your most obedient servant,
[Signed] J. D. ELLIOTT,
Commanding United States Naval forces in the Mediteranean.

HON. M. DICKERSON, Washington, D. C.

P. S. I trust that the facts may meet the public eye, so as to correct any wrong impressions, should they have been formed.

No. 5.

U. S. S. CONSTITUTION,
Mahon, 14th Feb. 1837.

Sir—In answer to your request in relation to the affair between Passed-Midshipman Barton and yourself, I give you such particulars as I now remember. Mr Barton was on board this ship when I joined her, a few days previous to her sailing from New York in August, 1835, for this station. Sometime after my arrival at Mahon, a difficulty occurred between Mr. Barton and your Clerk, during which your clerk received a blow from Mr. Barton, the particulars I do not remember, but the result of the investigation was that the parties were not allowed to go on shore for some time. The circumstance of Mr. Barton running his dirk in the man, as near as I can remember the case, is this. Mr. Barton was mate of the gun deck and this George Dimatt was one of the sweepers and had been set at work on the deck by Mr. Barton, the duty was neglected and the man absent, he was found on the forecastle and ordered below by Mr. Barton; he refused to go, and either had in his hand or picked up at the time a broom, which Mr. B. supposed was intended to defy him; Mr. B. forced him to the hatchway, where the man making some resistance Mr. Barton in the heat of passion ran a dirk in his thigh. Mr. Barton was suspended in consequence.

At Smyrna you mentioned to me that Lieut. Ridgeway, commanding the Shark, had several times applied for a Passed midshipman, and to avoid a court martial you would order Mr. Barton there.

I know nothing as to the cause of the duel; but when Mr. Barton was brought along side, I consulted Dr. Boyd as to the necessity of his coming on board; he said it was necessary and I admitted

him—when you came on board I reported the circumstances and you ordered him to be sent on board his own vessel. Dr. Boyd remonstrated, but you renewed the order and he was sent to the Shark.

His removal from the Shark to the shore I know nothing more of than I was ordered by you to hoist out the first cutter for that purpose.

After I relieved Lieut. Ridgeway in command of the Shark, and we were all out to sail from Smyrna, Dr. Egbert told me there were some articles belonging to the Hospital department that would be required for Mr. Barton's use, that they could not be procured at Smyrna, and that we had but one set on board; I applied to you—you ordered the Shark's to be left; you also ordered two month's pay and a letter of credit on the Schooner to be left.

I have the honor to be,
Very respectfully,
Your obedient servant,
W. BOERUM.

Commodore JESSE D. ELLIOTT, Commanding U. S. naval forces in the Mediterranean.

No. 6.

Washington, March 13, 1843.

Commodore J. D. Elliott sailed, I think, on the 1st of January, 1835, from the port of Smyrna, when I was attached to the schooner Shark, one of his squadron, as purser of that ship; midshipman Charles C Barton was attached to the schooner at the time, and from an injury received at that port with an order, I believe, to join the squadron so soon as his health would permit. Com. Elliott sent for me to his ship the day previous to his sailing, and gave me orders to pay to Mr. Barton any pay that might be due him, to advance two months pay, and leave a letter of credit to our consul, Mr. Offley at that place, to pay Mr. Barton as it might become due, according to the pay of our navy.

Given under my hand the day and date above,
J. FAUNTLEROY.

No. 7

U. S. SCHOONER SHARK, February 23, 1837.

SIR:—Your letter of the 22d inst. is received, requesting me to give you such particulars of the "Barton affair" as came under my observation, &c. In answer, I have to state that Mr. Barton was removed from the U. S. Ship Constitution to the Shark, while I was on shore, and before I had any knowledge of the duel and the consequent wound of Mr. Barton. This was on the 1st of December, 1835, at Smyrna. When I arrived on board, I found Mr. Barton laboring under some pain and irritation from a compound comminuted fracture of the bone, (or one of the bones) of the right leg, which had previously been dressed by the fleet surgeon. In two or three days after, from the nature of the wounds, &c., I recommended to you, either directly or through the fleet surgeon, that Mr. Barton should be removed on shore at Smyrna. Orders were immediately issued, and he was carefully removed, and with but little pain and inconvenience, to the best accomodations I could find in Smyrna, and with which he expressed himself satisfied. While on board the Shark and on shore, Mr. Barton was attended by myself and the fleet surgeon (Dr. Boyd,) and orders were issued by you to grant me all the liberties and facilities necessary to a strict attention to him on shore. That I fully performed my duty, I have to refer to the fleet surgeon and to Mr. Barton himself; and Dr. Boyd's attention to the sick at all times, needs no comment. My opinion is that it would have been more judicious to have removed Mr. Barton from the shore of Smyrna to Smyrna. But as he was taken on board the Constitution before the full extent of the wound was known, although then have been expedient to have removed him on shore, but as inflammation, and the accompanying fever, generally consequent to severe wounds, should have succeeded. I think it would have been improper for Mr. Barton to have remained on board the Constitution, on account of existing circumstances, as she had the whole of the Mediterranean to run during the most severe winter months, and when the steadiest ship would have been hurried to the extreme necessary in such a case. All the comforts and necessaries his case demanded, were furnished by your orders for the time under my care. A servant was furnished from the Shark while we were in port, and the articles necessary which belonged to the hospital department of the Shark, were left with him by myself and the best surgeon in town was procured for him on our leaving Smyrna, and he was left in the care of our worthy Consul, Mr. Offley.

I am, sir, respectfully,
Your, &c.
DANIEL EGBERT,
Passed Assistant Surgeon.

To Com. J. D. ELLIOTT, commanding U. S. forces in the Mediterranean.

No. 8

U. STATES SHIP JOHN ADAMS,
Mahon, February 27, 1837.

Sir—Agreeably to your request, I have the honor to state, that I have always understood from Mr. Wood that his quarrel with Mr. Barton originated prior to the time of their joining the Constitution; while on board that ship they were not on speaking terms. When Mr. Barton was ordered to the Shark at Smyrna, he was admitted into the mess. The first time I heard the subject of the quarrel I believe to have been some days after Mr. Barton's arrival on board, and was made by Mr. Barton towards Midshipman Robinson, who was at the time in charge of the boat, and which Mr. Robinson reported to Mr. Wood, on his return to the vessel. Mr. Wood expressed his displeasure at Mr. Robinson, some words passed between Mr. Wood and Mr. Barton, respecting the same, and a challenge from Mr. Barton to Mr. Wood was the consequence.

I am sir, very respectfully, &c.
P. A. BACON,
Midshipman U. S. Navy.

Commodore J. D. ELLIOTT, Commanding U. S. Naval forces in the Mediterranean.

No. 9.
GENERAL ORDER.

A Naval General Court Martial, held on board the United States Schooner Shark, in the Tagus, off Lisbon, in the case of Passed-Midshipman Henry P. T. Wood, upon the following charges and specifications, have returned the finding and sentence which succeeds this, and which has been approved.

Charge 1*st*.—"Unofficer like and ungentlemanly conduct."

Specification.—In that the said Henry P. T. Wood, Passed-Midshipman, did while attached to the U. States Schooner Shark, while lying in the port of Smyrna, between the 19th November 1835, and 5th January, 1836, run into debt to Paul Bonifacio and others of Smyrna, when he had no means of paying the same, thereby causing the commander of the squadron to be aroused from his bed at midnight, previous to the morning of sailing, to order the purser of said schooner Shark to liquidate his debt from funds designed for the use of the squadron.

Charge 2*d*.—"Fighting and disabling an officer, while in the discharge of his duty in the presence of the boat's crew."

Specification.—In that the said Henry P. T. Wood, Passed-Midshipman in the Navy of the United States, did on or about the 1st of December, 1835, fight with and disable C. C. Barton, a Passed-Midshipman in the Navy of the United States, attached to United States schooner Shark, for duty, in the presence of a boat's crew of the aforesaid United States schooner Shark, in said Barton's charge.

WILLIAM BŒRUM, Lt. Com'dg.
in absence of recent Commander.

U. S. Schr. Shark, Lisbon, Feb. 20, 1836.

The following is the finding and sentence of the Court. "The whole evidence in the case was then read and maturely considered, and the Court are of opinion that the first specification of the first charge is proved in part, to wit: as much of said specification as relates to Passed-Midshipman Wood, running in debt to Paul Bonifacio, without means known to the Court of cancelling the same; also guilty of as much of said specification as relates to public funds having been used on the occasion specified to pay the said Passed-Midshipman Wood's debt. It is not in the opinion of the Court, clearly proved that Passed-Midshipman Wood ran in debt to others, nor is it proved that the commander was exclusively aroused or the public funds exclusively appropriated to pay Passed-Midshipman Wood's debt. Nor is it proved that the Commander of the United States Naval Forces in the Mediterranean, was aroused from his bed as stated in the specification.

"The Court find Passed-Midshipman Henry P. T. Wood not guilty on the first charge, in its full extent, but guilty of great indiscretion and imprudence in risking the character of the service by contracting a debt without certain means of paying it.

"That the specification of the 2d charge being read, the Court are of opinion that the said specification is proved, and that the second charge being read, the Court find and adjudge the said Passed-Midshipman Wood guilty of said 2d charge. The Court after mature deliberation, do sentence and adjudge the said Henry P. T. Wood, Passed-Midshipman in the United States Navy, is suspended from duty for six months, and further, that he be dismissed from the Mediterranean squadron.

"The Court also recommend that the finding, together with the sentence of the Court, be publicly read on board the vessels of the squadron. The Court, in coming to this decision, have taken into consideration the long confinement of Passed-Midshipman Wood on board a small vessel.

G. F. PEARSON, *President*.
A. F. HARWOOD, }
F. A. NEVILLE, }
JOHN CALHOUN, } *Members*.
J. M. WATSON, }
T. W. BRENT, }
JOHN N. HAMILTON, *Judge Advocate*.

Approved March 1, 1836.
J. D. ELLIOTT.

You will therefore cause this general order to be read on board the vessels under your command on the day after its receipt, at 10 o'clock, in presence of officers and crew.

Given on board the U. S. Ship Constitution, Lisbon, March 2, 1836.

J. D. ELLIOTT.

Capt. J. J. Nicholson,
Mast. Com'dt. S. H. Stringham,
Lt. Com'dt. Wm. Bœrum,
Present.

No. 10.
GENERAL ORDER.

The Naval General Court Martial, lately holden on board United States Schooner Shark, in the Tagus off Lisbon, having found the end we sentence against Passed-Midshipman W. S. Ringold and James T. McDonough, of the Navy of the United States; they are hereby ordered to be read on board the vessels of the United States Squadron under my command on the day after the receipt of this order, at 10 o'clock, and in presence of officers and crew.

Given, &c. &c. &c. Lisbon, March 3, 1836.

J. D. ELLIOTT.

Capt. J. J. Nicholson,
Mast. Com'dt. S. H. Stringham,
Lt. Com'dt. Wm. Bœrum,
Present.

U. S. Ship Constitution, Lisbon, March 3, 1836.

Sir,—Enclosed you will receive the finding and sentence of a Naval Court Martial in your case, which is approved by me.

I cannot in justice to my own feelings refrain from expressing my cordial approval of your attempt to settle the matter of difference between Mr. Wood and Mr. Barton, amicably, and trust that hereafter

a similar proceeding on your part will be manifested, as I do not consider an officer justified in disposing of his life when engaged in serving his country abroad: the calls of duty being paramount to those of every other nature; you will return to your duty, and at the same time be pleased to consider a veil drawn over the actions of the past. Respectfully,

J. D. ELLIOTT.

Passed-Midshipman W. S. Ringold, U. S. Ship Constitution.

No. 11.

U. S. Ship Constitution.

Sir—Enclosed you will receive the finding and sentence of a Naval General Court Martial in your case, which is approved by me. It is to be regretted that you had not met Mr. Ringold with a corresponding feeling, in which event the unfortunate affair would have been prevented, and I should have been spared the necessity of proceeding against the parties.

An officer when *abroad* owes his life to his country's service, and no call should be permitted to cause him to deviate from duty, until she could dispense with his services; you will return to your duty on board the U. S. Schooner Shark.

J. D. ELLIOTT.

Passed-Midshipman J. T. McDonough.

NOTE.—Whilst demanding justice at the hands of others, I would strive to render it to all. My impressions as to Dr. Boyd, expressed in the letter of July 16th, 1836, to the Secretary, were received from what at the time appeared to be justifying circumstances and credible statements. Afterwards, however, I was convinced that my opinions were erroneous, and I immediately endeavored to remedy, so far as it was in my power, the wrong which I had done that officer, by forwarding the following letter to the Department. Most sincerely do I declare that I wish it was in my power to do the same act to all others from whom I suppose I have received wrong; for I would rather have endured it and much more, and before the world do justice to them as in this case, than unjustly accuse any, and entertain the painful sentiment of their being capable of injuring me without cause, or from unworthy motives or feelings.

[COPY.] *Washington, March 14th*, 1843.

Sir—In a letter addressed by me to the Navy Department, while in the Mediterranean, I took occasion to animadvert on the conduct of the late fleet surgeon, T. J. Boyd, in relation to certain calumnious statements which at that time were in circulation to my prejudice. I have recently, however, understood from Lt. F. Nevil, an intimate friend and messmate of the deceased, that my impressions in regard to the deceased's agency in giving currency or character to the calumnies were entirely erroneous.

I deem it therefore due to myself, as well as to the memory of that gentleman, thus distinctly to declare that my communication above referred to, has been written under an entire misapprehension of the true state of the facts, of which I have been clearly satisfied from conversations lately had with Lt. Nevil and others.

I am, very respectfully, your obedient servant, J. D. ELLIOTT.

The Hon. A. P. Upshur, Secretary of the Navy.

SPEECH OF HON. C. McCLURE.

Now Secretary of Commonwealth of Pennsylvania, Delivered in Congress, February 14th, 1839.

Mr. McClure rose and said: I believe Mr. Speaker, that the motion of my colleague is, that this communication be referred to a select committee, for the purpose of investigation, so that a report may be made thereon, for the satisfaction not only of the members of this House, but generally of the People of the United States. So far as this investigation is concerned, I second the proposition willingly and cordially. I believe that it is due not less to the parties concerned than to the honor of our Navy, that a clear, distinct, and full development of all the facts connected with these charges should be laid before the country. Sir, I hope that no gentleman here will be found to throw any obstacle in the way of this inquiry. Let us have it; let us hear all that is to be heard, and let us know what foundation there is for charges which have been so repeatedly and so boldly urged upon the consideration of this House.

What was the nature of the communication received only a few days ago from the Navy Department, in relation to one set of charges against this officer? It was: that no information respecting them, was to be found on the files of the Department, and that, therefore, the Secretary could make no report in the premises. Let honorable gentlemen bear this fact in mind.

Mr. Speaker, I do not appear here as the particular friend of Commodore Elliott. It is true that I know him, and, so far as I know him, I believe him to be a high-minded and honorable man; and I know also that he has at least "done some service" to the Republic. If envy exists against him, let that envy spit her spite through Representatives on this floor for years—yes, sir, for ever—and at last it will have "to gnaw a file." If there is a man living who I believe would, in his individual capacity, do justice to his country, that man is Com. Elliott. But, sir, let us look at him in another capacity—in his public character.

I have said that he has done "some service to the State." Let us look at him, if you please, at the battle of Lake Erie. Every disputed question in relation to that battle was settled, I believe, shortly afterwards, by the Congress of the United States voting a medal to him in token of his gallant conduct

there. And, previous to that battle, look at his conduct in carrying out two ships from under the enemy's battery, and carrying them captive to our shores. Is there nothing in his conduct there? Is there nothing in his conduct in the West Indies? Nothing in his conduct in the Mediterranean? Look to his whole career—look to it with a fair and candid eye, and tell me whether his every energy, has not been devoted to the glory of his country and to the protection of her flag. And yet, here we see the exhibitions of this venomous spirit—this disposition to prosecute and trample upon him—in the introduction of resolution after resolution—each containing, by insinuation, or in the direct charge, at the destruction of his character; and yet, each calling for information which, when obtained, has up to this point at least, gone to clear up the very character which it is designed to blacken and destroy.

It has been asserted, Mr. Speaker, by my colleague who preceded me, there is no vice in the calendar of which Commodore Elliott has not been guilty. I, in my place, deny the fact. Sir, it is not a fact. I feel bound to contradict the assertion. If Com. Elliott had a fault, it was the fault of being too strict a disciplinarian for the lax and loose times in which we live, when every man holding an inferior official station holds himself equal to his superior. That is his only fault. He is a sailor of the old school. He is a man resolutely determined to enforce discipline on board his own ship, and, in doing so, it is possible that the circumstances of my colleague may think that too severe infliction have been put upon them. I will vouch that he will be correct in the enforcement of discipline to the minutest note.

Let us look at the case referred to. Ten or twelve days ago, I had the honor of presenting to my colleague a sealed document, with a request that he would read them, and in the belief that, if he did read the paper, he would not fail to be satisfied as to the true state of the case of Mr. Barton.

But what *are* the facts in that case? You have heard a fine flourish on the matter from my colleague—you have heard from him loud declamations—(would to God I had his strength of lungs; but I have not; and I propose, therefore to confine myself as closely as possible to facts.) And what are those facts, as they appear from the documents in the hands of my colleague?

Mr. Barton met a subaltern, or petty, officer on the deck of the frigate Constitution, (which was commanded by Commodore Elliott,) and asked him why he was not in the performance of some particular duty. The reply was, that he had been discharging the duty assigned to him, and that he could not attend to any other. Mr. Barton, losing on the instant the control of his judgment, and giving way to his passion, drew a dirk and stabbed the man in the thigh. The man retreated below, and was taken wounded to the hospital. The matter was reported to Commodore Elliott. A young officer, taking up the quarrel of the inferior, subsequently called Mr. Barton to the field of honor, as it is termed.* Commodore Elliott, for the very purpose of avoiding some such issue, ordered Mr. Barton from the Constitution to the schooner "Shark," and wrote a letter to the commander of the schooner not to permit Mr. B. to go on shore; for if he did, a duel would be the consequence. Contrary alike to the order of the Commodore and of the commander of the schooner, Mr. Barton did slink, or go secretly, over the side of the vessel, was engaged in the duel, was wounded; and when carried back to the Constitution, (to which vessel, it will be borne in mind, he did not belong,) was ordered back to the shore. This is the plain state of the case.

And what was Commodore Elliott's motive? The rules of the service had been disregarded, the discipline of the squadron invaded, and his own express commands set aside. He said to himself, Shall I maintain the discipline of my squadron, or shall I not? Shall I, in the face of my crew vindicate the rules and discipline of the service which have time been wantonly violated, or shall I yield now and for ever? Like a good officer, he enforced his rules. He required Mr. Barton to be carried on shore,† but at the same time that he thus determined to establish and sustain his discipline, he gave directions that strict care should be taken of Mr. B., and gave him a letter of credit for any amount of money which might be requisite to provide for his recovery and comfort. Sir, if a dog were wounded and brought to my door, I would send for a surgeon and have his wounds dressed. But, I say that, had I been in the situation of Commodore Elliott, I should have taken the same steps that he did. He was not at liberty to forget that whilst he took proper means for the protection of a human being under his command, it was his duty also to enforce the discipline of the most strong and favorite arm of our national defence. And here is a remarkable fact, Mr. Speaker, that whilst the apparently harsh orders given on the event referred to, are received before this House and the country, for the purpose of crushing the character of a son of our Navy, not a word is heard of his kind and gentle conduct towards the wounded man. Suppose the Commodore had allowed him to come on board the Constitution. What would have been the consequence? His orders would have been a nullity—his discipline looser than the spider's web—more tender and more easily broken. But, like a man able and determined to sustain himself and the honor of his flag in distant seas, he vindicated the rules and discipline of the service, even whilst, as I have said, he gave a letter of credit to Mr. Barton for any amount of money he might require; and which very letter of credit, if I am not mistaken, you find Mr. Barton using. Was there cruelty there? If so, I do not know in what cruelty consists.

I have thus, Mr. Speaker, viewed with calmness and deliberation the facts as I believe them to exist in the case of Mr. Barton. The language of some of the resolutions which have been offered on this floor has wounded my feelings, and, probably, the feelings of other members beside myself. The language, as it seems to me, is of a nature empirically calculated to prejudice the People of the United States against Commodore Elliott, and to make them believe that all is wrong about him. Sir, if any thing is wrong, I believe his greatest fault will be found in the fact that he has sustained the last and present Administrations, but more especially the last—that he was thought worthy of the special trust and confidence of Gen. Jackson—and that Gen. Jackson entrusted to his charge the performance of one of the most critical duties that has ever been assigned to any officer, civil or military, since the first existence of the Republic. And, sir, those whose curiosity or candor may dispose them to look a little beyond the surface of things here, may probably find a satisfactory return for their trouble, in the clews which I have here suggested to their consideration.

We have had a report in the case of Lt. Hunter. I have glanced my eye over it, and I see nothing in it to bring home a misdemeanor, a dishonor, or an unworthy reflection on Commodore Elliott. It appears that on a race course near Fort Mahon, in the Island of Minorca, Mr. Hunter used harsh language

* This is a mistake; Mr. Barton challenged Midshipman Wood, who had reproved him for abuse to a Brother Midshipman of extreme youth and belonging to the same vessel with them.

† This is an error; Mr. Barton was taken on shore *at his own request*, and by advice of the Surgeon of the Shark, and not by Commodore Elliott's orders.

and that the commodore told him not to separate the gentleman from the officer. He replied that he had not done so, and that he did not intend to do so. The commodore said, You have done so, to which Mr. Hunter rejoined; and commodore Elliott then, in the exercise of his legitimate authority, ordered him on board. And we have the letter of the Governor of Minorca * setting forth that the Commodore had done nothing more than exercise that authority which every officer ought to exercise under similar circumstances. Suppose the commodore had gone a little beyond his authority in ordering Mr. Hunter on board the vessel. Was he not right? What are the rules of your army. Look at them for a moment. They enjoin upon the superior officer, when he sees an inferior officer in any controversy, to arrest him immediately. Nay, sir, the rules of the army go further; they enjoin upon an inferior officer to arrest his superior under similar circumstances. How then can you say that Commodore Elliott has transgressed the bounds of his just authority? Sir, he is more entitled to credit for having acted up to that just authority, than to censure for having passed beyond it.

The gentleman from Vermont, (Mr. Allen) has introduced another resolution. Its language was more moderate, probably, than that of two or three others; it showed less of bitterness, less of an unrelenting spirit to crush; but yet it comes as a helpmate to others in calling for information. And what information have we obtained? The Secretary of the Navy informs us that there is no information in his Department in relation to the case. And why? Because it is an *ex parte* case. I allude to the case of Mr Etheridge—to the call upon the Navy Department for information why the Commodore had not been court martialled upon the charges preferred against him by Mr. Etheridge. Sir, the resolution called for *ex parte* evidence, for one-sided testimony. It is true that resolutions might have been offered, calling for *all* information, but time and opportunity have not permitted. But what is the reply of the Secretary to this resolution? It is, that the Department has no information to give to the public; and there the matter rests. Now I will state my own honest conviction and belief, that if a resolution had been adopted calling for information on the other side, this House and the people of this country would have found that Mr. Etheridge was a public functionary employed at the navy yard in Charleston, and that his mal-conduct had been such that the Secretary of the Navy, and probably the Board of Commissioners had proceeded against him without a word from Commodore Elliott, and that upon these proceedings Mr. Etheridge was convicted and discharged. This I believe to be the fact, from information on which I feel entitled to rely.

Mr. Fletcher of Massachusetts, desired the gentleman from Pennsylvania (Mr. McClure) to state his authority for this statement.

Mr. McClure. I have stated this as my own conviction and belief. I would name the authority from which I derived my information, but I respectfully decline to do so.

Mr. Fletcher of Massachesetts here requested the gentleman from Pennsylvania to permit him to say a few words. He said he had presented the resolution calling on the Secretary of the Navy to communicate to the House the charges filed by Mr. Etheridge against Com. Elliott. The Secretary had answered that he was unable to find the charge referred to in his Department. He (Mr. F.) therefore had never seen the charges, and did not know their nature neither had he any knowledge of the circumstances under which Mr. Etheridge left his employment in the Navy Yard at Charlestown, to which the gentleman from Pennsylvania referred: but he (Mr. F.) knew Mr. Etheridge, and knew him to be a highly respectable gentleman, and he could not quietly hear any imputations upon him, when he was not present, and no opportunity to answer for himself: and he hoped the gentleman from Pennsylvania would state upon what evidence or on what authority he made his statements in regard to Mr. Etheridge. Without a communication of his evidence or authority, the House could have no means of judging of the justice of his remarks.

* The following statement was rejected by the Court of Inquiry, also.

(*Translation.*)

[COPY.] *Mahon, December 28th,* 1837.

Sir.—In consequence of the letter which your excellency has been pleased to address me, under date of the 26th instant, and of the conference I had with the consul of the nation to which you have the honor to belong, I ought to manifest to you that, on the afternoon of the month of April last, when a horse-race took place in the road to Villa Carlos, I was on the spot where a dispute took place between Mr. Hunter and another gentleman, both officers belonging to the ships under the worthy command of your excellency; and observing the warmth with which they disputed, I considered it my duty to be in observation, in case the affair might produce disagreeable results, and require my interference, but your excellency presented yourself opportunely, spoke to the said Mr. Hunter, and, as far as I could comprehend, ordered him to proceed on board, indicating to him, with the cane you carried in your hand, the road he ought to follow; by which means your excellency probably prevented a quarrel between the two above mentioned officers, and which might have included some others, as generally happens, when a chief of little energy does not interpose with his reflections os authority to calm the fierceness of youth. Your excellency, in this case, exercised, in my opinion, the duties of a chief who endeavored to prevent a disagreeable occurrence among the meritorious and praiseworthy officers, who, I do not doubt, when the warmth of the dispute is over, will be grateful for the measure taken by your excellency, which could have had no other object than their welfare. As an experienced military man, I approved of the measure of your excellency, as I shall always approve every thing in favor of order and discipline, without which we could not fulfil the duties imposed upon us by our respective stations.

I cannot omit manifesting to your excellency how much I feel the aforesaid occurrence, as the good behaviour of all the individuals who have the honor of serving under the orders of your excellency, and the proof I am constantly receiving of the esteem which they show me, in imitation of their worthy chief, put me under the flattering obligations of appreciating and feeling the greatest for persons in whom I recognise all the virtues they possess, and therefore, wish it in my power to contribute to a termination, favorable to all, of the affair in question.

With this motive, I offer myself to your excellency, with the highest respect, your humble servant.

(signed) MANUEL OBREGON,
Military Governor of the Island of Minorca.

His Excellency Com. J.D. Elliott, commanding U. S. forces in the Mediterranean.

Mr. McClure resumed. I have all due respect for Mr. Etheridge. I say all *due* respect. And I have infinite respect for the gentleman from Massachusetts, (Mr Fletcher,) but at the same time, I must repeat that I respectfully decline to mention the name of my authority. I have stated my own belief, and I hold myself personally responsible for it.

Now, Mr. Speaker, we have got through with the cases of Mr. Hunter, Mr. Barton and Mr. Etheridge. These cases were made the foundations of several bitter resolutions—how bitter, their language will readily attest. I do not mean to attribute malice to the movers of the resolutions; but malice there is, somewhere, and it has been poured down like a meteoric shower upon the head of this officer. Yes, sir, and this house had been made the instrument—the conduit pipe through which this accumulation of atrabilarious matter was to be poured forth upon him. Why, sir, his accusers have even gone so far as to accuse him of having trampled under foot the laws and regulations of our Navy, because he imported into the United States—What? A variety of animals and seeds and plants, for which he found accommodation in his ship, in order to promote agriculture in our country. And for this you find him accused of setting aside the laws of our Navy. Sir, at that time the law authorising him to do these things was as broad as the face of the noon-day sun.

I am free to admit that had our country been engaged in a foreign war, I should have found fault with him for shipping animals, sarcophagi, and such things. But, at a time when we were at peace with the universal world, shall this be made an accusation against him? Shall he be brought up here paraded before the eyes of the nation, on the floor of Congress, because he had shipped from Asia, Africa, and all the foreign coasts which he visited, rare animals and plants and specimens of antiquity, and with an elevated generosity, presented them to our colleges, our academies and our institutions of various kinds, reserving not one for his own benefit? So far from this being made matter of accusation against him, was he not acting for the public benefit? Was he not subserving the interests of his country? Was he not acting in conformity with the law of the department which was framed with the view to enhance our agricultural resources? Sir, I think that he was doing all this. And if the gentlemen will reflect with a little more neutrality, I think they will discover that they ought not, at all events, to denounce him for his endeavors to promote the literature and the agriculture of our country. Sir, these denunciations are of the same sort as those which were fulminated against Commodore Elliott for having placed a figure-head on the old frigate "Constitution." He was denounced then by a certain party—he was denounced by the wigery of the nation; he was said to be trampling under foot the rights of the People; that he was about to bow down and worship an idol; that he was raising up General Jackson to be the Monarch not only of the United States, but so far as the figure-head went, the Monarch of the seas. And now they denounce him on another score.

Do gentlemen wish to know why that figure head was placed there? No they do not. They give more credit to the midnight thief and felon who cut it off and carried it away, an object of scorn and mockery, to the foul orgies of a party, than they give to the man by whom it was placed there. Sir, that figure-head was placed where it was under the order of the Commissioners of the Navy.

Mr. Speaker, I have but little more to say. I repeat, I am in favor of the motion of my colleague. I am in favor of it as an act of justice to an officer in our Navy—as an act of justice to one who has at least shown himself to be a patriotic and a gallant man; a man who has been willing at all times to hazard his fortune and his life in defence of our country. I am in favor of it as an act of justice to a man who has three times received the thanks of the Congress of the United States, and has once received a medal in token of his gallant services; a man who now retains in his possession the sword of an enemy taken in single fight; a man, sir, whose honors "have been piled so thick upon him" that envy has risen against him to crush him to the earth. I repeat what I said in the outset of my remarks, that under present circumstances, I am not the particular friend of Commodore Elliott, nor should I be the particular friend of any other man similarly situated. I did not, therefore, rise so much to defend him, worthy of all defence though I believe him to be, as to defend the Navy, assailed, and assailed through him. If by this process of picking out little faults or blemishes, you are to impress the nation with the idea that a gallant officer, who has fought and shed his blood in your service, is not a man proper for the high station which he occupies; then, before this House and this nation, I wash my hands clear of the foul injustice, and I declare that I will oppose it with all the little talent I possess—would to God it were ten times greater.

But, Mr. Speaker, I feel an abiding conviction that he is worthy of the station which he occupies; that he is worthy to be intrusted with the protection of our country's banner, however distant the sea on whose billows it may float, or however imminent the danger which may threaten its hitherto unsullied glory.

Note I.

OLD IRONSIDES ON A LEE SHORE.

BY AN EYE-WITNESS.

It was at the close of a stormy day in the year 1835, when the gallant frigate Constitution, under the command of Captain Elliott, having on board the late Edward Livingston, Minister at the Court of France, and his family, and manned by nearly five hundred souls, drew near to "the Chops" of the English Channel. For four days she had been beating down from Plymouth, and on the fifth, at evening, she made her last tack from the French coast.

The watch was set at 8 P. M. The captain came on deck soon after, and having ascertained the bearing of Scilly, gave orders to keep the ship "full and bye," remarking at the same time to the officer of the deck, that he might make the light on the lee beam; but, he stated, he thought it more than probable he would pass it without seeing it. He then "turned in," as did most of the idlers, and the starboard watch.

At a quarter past 9 P. M., the ship headed west by compass, when the call of "Light O!" was heard from the fore-topsail yard.

"Where away ?" asked the officer of the deck.

"Three points on the lee-bow," replied the look-out man; which the unprofessional reader will readily understand to mean very nearly straight ahead. At this moment the captain appeared, and took the trumpet.

"Call all hands!" was his immediate order.

"All hands!" whistled the boatswain, with the long, shrill summons familiar to the ears of all who have ever been on board of a man-of-war.

"All hands!" screamed the boatswain's mates; and ere the echo died away, all but the sick were on deck.

The ship was staggering through a heavy swell from the Bay of Biscay; the gale, which had been blowing several days, had increased to a severity that was not to be made light of. The breakers, where Sir Cloudesly Shovel and his fleet were destroyed, in the days of Queen Ann, sang their song of death before, and the "Dead Man's Ledge" replied in hoarser notes behind us. To go ahead seemed to be death, and to attempt to go about was sure destruction.

The first thing that caught the eye of the captain was the furled mainsail, which he had ordered to be carried throughout the evening—the hauling up of which, contrary to the last order that he had given on leaving the deck, had caused the ship to pass off to leeward two points, and had thus led her into a position on "a lee shore," upon which a strong gale was blowing her, in which the chance of safety appeared to the stoutest nerves almost hopeless. That sole chance consisted in standing on, to carry us through the breakers of Scilly, or by a close graze along their outer ledge. Was this destined to be the end of the gallant old ship, consecrated by so many a prayer and blessing from the heart of a nation?

"Why is the mainsail up, when I ordered it set?" cried the captain, in a tremendous voice.

"Finding that she pitched her bows under, I took it in, under your general order, sir, that the officer of the deck should carry sail according to his discretion," replied the lieutenant in command.

"Heave the log," was the prompt command to the master's mate. The log was thrown.

"How fast does she go?"

"Five knots and a half, sir"

"Board the main tack, sir."

"She will not bear it," said the officer of the deck.

"Board the main tack!" thundered the captain. "Keep her full and bye, quartermaster."

"Ay, ay, sir." The tack was boarded.

"Haul aft the main sheet," shouted the captain; and aft it went, like the spreading of a sea-bird's wing, giving the huge sail to the gale.

"Give her the lee helm when she goes into the sea," cried the captain.

"Ay, ay, sir, she has it," cried out the old sea-dog at the binnacle.

"Right your helm—keep her full and bye."

"Ay, ay, sir, full and bye she is," was the prompt answer from the helm.

"How fast does she go?"

"Eight knots and a half, sir."

"How bears the light?"

"Nearly abeam, sir."

"Keep her away half a point."

"How fast does she go?"

"Nine knots, sir."

"Steady, sir," returned the captain,

"Steady!" answered the helmsman; and all was the silence of the grave on that crowded deck, except the howling of the storm, for a space of time that seemed to my imagination almost an age.

It was a trying hour with us—unless we could carry sail so as to go at the rate of nine knots an hour, we must of necessity dash upon Scilly; and who ever touched these rocks and lived during a storm? The sea ran very high, the rain fell in sheets,

the sky was one black curtain, illumined only by the faint light which was to make our deliverence, or stand a monument of our destruction. The wind had got above whistling—it came in puffs that flattened the waves, and made our old frigate settle to her bearings, while every thing on board seemed cracking into pieces. At this moment the carpenter reported that the left bolt of the weather fore-shroud had drawn.

"Get on the luffs, and set them on all the weather shrouds. Keep her at a small helm, quartermaster, and ease her in the sea," were the orders of the captain.

The luffs were soon put upon the weather shrouds, which of course relieved the chains and channels, but many an anxious eye was turned towards the remaining bolts, for upon them depended the masts, and upon the masts the safety of the ship—for with one foot of canvass less she could not live fifteen minutes.

Onward plunged the overladen frigate, and at every plunge she seemed bent upon making the deep the sailor's grave, and her live oak sides his coffin of glory. She had been fitted out at Boston when the thermometer was below zero. The shrouds of course therefore slackened at every strain, and her unwieldly masts (for she had those designed for the Cumberland, a much larger ship,) seemed ready to jump out of her. And now, while all was apprehension, another bolt drew!—and then another—until at last our whole stay was placed upon a single bolt, less than a man's wrist in circumference. Still the good iron clung to the wood, and bore us alongside the breakers, though in a most fearful proximity to them. This thrilling incident has never, I believe, been noticed in public; but it is the literal fact—which I make not the slightest attempt to embellish. As we galloped on—for I can compare our vessel's leaping to nothing else—the rocks seemed very near us. Dark as was the night, the white foam scowled around their black heads, while the spray fell over us, and the thunder of the dashing surge sounded like the awful knell that the ocean was singing for the victims it was eager to engulph.

At length the light bore upon our quarter, and the broad Atlantic rolled its white caps before us. During this time all was silent, each officer and man was at his post, and the bearing and countenance of the captain seemed to give an encouragement to all on board. With but a bare possibility of saving the ship and all on board, he placed his reliance on his nautical skill and courage, and by carrying the mainsail when in any other situation it would have been considered a suicidal act, he weathered the lee shore and saved the Constitution.

The mainsail was now hauled up by light hearts and strong hands, the jib and spanker taken in, and from the light of Scilly the gallant vessel, under close-reefed topsails and maintopsails, took her departure and danced merrily over the deep for the United States.

"Pipe down," said the captain to the first lieutenant; "all splice the main-brace!"

"Pipe down!" echoed the first lieutenant to the boatswain.

"Pipe down!" whistled the boatswain to the crew, and "pipe down" it was.

Soon the "Jack of the Dust" held his levee on the main-gun deck, and the weather-beaten tars, as they gathered about the grog-tub, and luxuriated upon a full allowance of the old Rye, forgot all their perils and fatigue.

"How near the rocks did we go?" said I to one of the master's mates the next morning. He made no reply, but taking down his chart, showed me a pencil line between the outside shoal and the Light-house Island, (on the outside of which we passed) which must have been a small strait for a fisherman to run his smack thro' in good weather by daylight.

For what is the noble and dear old frigate reserved? I went upon deck—the sea was calm; a gentle breeze was swelling our canvass from mainsail to royal, the Isles of Scilly had sunk in the eastern waters, and the clouds of the dying storm were rolling off in broken masses to the northward and westward, like the flying columns of a beaten army.

I have been in many a gale of wind, and have passed through scenes of great danger; but never before or since have I experienced an hour so terrific as that when the Constitution was laboring—with the lives of five hundred men hanging on a single iron bolt—to weather Scilly, on the night of the 11th of May, 1835.

Page 22—3d line from bottom.

In a vile and scurrilous paper, published in the city of New York, I was accused of going, when in Paris, into the hall of the Chamber of Deputies, in full dress and armed; and with the bearing of one, who wished by his manner to intimidate the members who were opposed to the Indemnity treaty! The article went on to say that my conduct was such, as justly to irritate both parties in France, and that I seemed to endeavor to hasten a rupture between the two countries at that crisis.

I do not not now refer to the publication nor its author, for the purpose of correcting the statement;—for in respect to the writer, I will only remark that I hold to the Spanish proverb, "Conform your punishment in proportion to the responsibility of its object;" but I do so, to show how reckless were my assailants as to the nature of their attacks. My letters to the President and Genl. Bernard, will show how earnestly I sought to avert the threatened war, and what was my constant language in regard to the difficulties. With respect to my visit to the Chamber, I assure you, that although Genl. Bernard advised me that a particular seat had been appropriated to my use, I never was there in my life; and to this day, I do not even know the color of its walls!

U. S. Frigate Constitution, off Havre,
April 23, 1835.

Dear Sir.—It may not be trespassing too much on your time to inform you that to-day I reached the Constitution from Paris, and shall proceed to Cowes for the purpose of taking a supply of water on board. I shall then return to Havre to receive on board Mr. Livingston and family, with the exception of Mr. Barton who will remain in France, and expect to be there in five or six days hence.

I had many interesting conversations with Gen. Bernard while in Paris, who seems much interested in the fate of the Indemnity Bill. I saw him just on the eve of departure: and he assures me that the first instalment of the claim of the U. S. will be duly paid; that the king means to put his veto on the accompanying clause as uncalled for and not embraced within his right. Ministers were taken by surprise. They feared that they could not carry the bill, while the opposition knew they could and introduced it to prevent the consummation of a desired end, but continued the King's party. Bernard says to me that the king knows it to be his interest to carry the treaty into effect. In future negotiations, others may doubt his strength and sincerity, so that I really believe matters will yet be presented, to prevent a resort to force. I know of no one better calculated for the court of France, than that good patriot, Poinsett, whose manners, habits, and early education together with his private means so well qualify him for the court of Louis Phillippe.

Mr. Livingston has had much to contend with and I came upon him so much by surprise, that it seemed a ministering angel was at hand; and Madam tells me that she will not feel herself entirely safe, until she is on board the Constitution, which I trust will be in five days. An examination of the accompanying letters between Gen. Bernard and myself may perhaps give you some little light as to the result of our frequent conversations. The newspapers contain the vote. The two marked were in favour of the bill, but in the opposition. I am, dear sir, very truly yours,

JESSE D. ELLIOTT

Gen. Andrew Jackson, President of the U. S. Washington, D. C., U. S. A.

Extract of letter to Genl. Bernard, Member of House of Peers and Aid De Camp to the King, &c., &c.

U. S. Frigate Constitution, Harbour of Cherbourg,
April 30th, 1835.

Dear General.—Since my last communication to you, I have reflected much on our existing international relations, and cannot but reiterate my deep regrets that anything should ever have transpired to disturb that amity and harmony, which from circumstances peculiar in their nature, have existed and should continue to exist between the two countries. In visiting Cherbourg I am the more convinced of the paramount obligation we are under to each other, as important families among other nations, to perpetuate our pacific relations, and to cement our national comity by an inviolable observance of good faith.

The conflicting question which has occasioned agitation for nearly a quarter of a century is now brought to a crisis; and the real friends of both nations ought sincerely to wish that its issue may be an amicable and satisfactory adjustment. Like the occasional feuds and contentions in lesser families, reconciliation should take place, without heart burnings or recrimination, and feelings of a hostile character, incident (frequently without cause) to nations as well as individuals, should be supplanted by those of friendship and, good will. Without arguing, dear general,) this long contested question, you will permit me to say that, I have not (after repeated perusals, discovered in the message of the president of the U. S. on the subject of our claims, that language of hostility and menace which seems to have produced so much emotion among the legislative functionaries of France. Both the minute investigation of matters apparently trivial, and the latitude of expression in which the executive organ of the U. S. indulges in his annual state paper, results from the spirit of our government, and the genius and temper of the people. Nor can I regard in any other light, the paragraph in Mr. Livingston's letter, to which such wide exception has been taken, than as merely retaliatory in language. It was a communication from a diplomatic agent to a responsible organ of his government—confidential in its character and liberal in its expression. It appears to me that the obnoxious sentence cannot by any rules of construction be tortured into a charge of treachery on the part of France. The language of diplomacy, is but too frequently susceptible of a double construction; but in the

present case I can give the paragraph in question no other interpretation than the honorable purpose on the part of Mr. Livingston to place himself on defensible ground, and to advise the executive organ of the U. S. of an anticipated evil resulting from the action of the government with which he was in negotiation. There is another reason, cogent enough of itself to induce the two countries to pursue towards each other a pacific system; and which you suggested to me with no small degree of force. A power exists, not indeed geographically connected with the continent of Europe, but peculiarly sensitive of every movement there, and vibrating in sympathy with its internal and foreign operations and policy. A nation to use the language of Jefferson, that feels power and forgets right; greedy and grasping, and in the event of a conflict between France and the U. S. would fatten on the misfortunes of both, and who, in such an event, to use a familiar expression would milk the cow whilst we held her, whose treasury would be opened to defray the expenditures of a war for the first year's operations, if the conflict could not be otherwise produced! In reference to the conduct of Mr. Livingston in this embarrassing negotiation, permit me to say, that could the Budgets between the diplomatic representatives and their constituents of other nations be exposed to the public eye, it would be found in the comparison, that he has acted with moderation, and a punctilious regard towards the discharge of his high and delicate duties.

The port of Cherbourg is rendered peculiarly interesting to me from the fact that it was contemplated by Napoleon as the impregnable point of security in forming a junction between his two great projected fleets of Brest and Antwerp. In beholding the monuments of his mighty mind, I am compelled with you to concede to him the palm of military genius and invincible perseverance.

In the event of a continuance of a pacific system between the two countries, I sincerely hope, that that pure patriot and good republican, Poinsett, will be sent to represent the U. S. at the court of France, and with this wish I have taken the liberty to mention his name to the President of the U. S.

I am very truly yours,

J. D. ELLIOTT.

Lt. Genl. Simon Bernard, Member of the House of Peers, and Aid De Camp to the King of France, Paris.

In the same *precious* print. I was accused of throwing overboard unnecessarily, one of the guns of the Constitution: and the public were told to a cent, the loss which the nation had sustained, and the dânger in which the noble vessel was placed, by thus lessening her battery! The fact is the ship was in most imminent danger at the time, and had not the gun been cut away, I feel certain serious damages would have resulted. The sea was very rough, and the gale remarkably severe; and every time the ship would plunge and roll, the gun would strike heavily against her bow; which certainly must soon have been stove in. To avoid this certain destruction, I at once ordered the breeching to be cut, and let the gun go overboard.—I give my official report to the Department.

"This, and the loss of a 24lb gun are pretty much all we have sustained. The latter by some unaccountable means, in a tremendously heavy gale, while scudding and going through the water, in a dark, stormy night, with her lower yards sometimes in the sea, and at the rate of perhaps thirteen miles per hour, worked out of one of the fore locks, which were intended to secure it in the carriage, and hung by the breeching, thumping violently against the bow, as reported to me by the officer of the deck, and which I could feel as I came to the deck. It being in the night, and satisfied of the correctness of the report of the officer, and actuated by the impulse of my own feelings, I at once ordered the breechings to be cut and let go to avoid a worse result. It was a shifting gun, and of course the battery is not decreased in physical force."

THE COURT OF INQUIRY AND COURT MARTIAL.

It is a thankless labor to unmask profligacy or expose the unworthy; it is doubly so, when the work of exposure falls upon the victim of wrong and injustice. Although, when abstractedly considered, it is the duty of all to hold up for public avoidance and contempt those whose conduct calls for rebuke and condemnation, yet too often motives and principles, however correct and pure, are impugned, when that duty is assumed by one who has suffered by the injuries of deliberate wickedness. Indeed, it not unfrequently happens, for such is the strange perversity of popular judgment, that when *the stricken asks only that he may be heard*, his defence is regarded as presumptuous, while the charge of the unworthiness of his accusers is met with hesitation or doubt. The task is accordingly almost a gratuitous one, that he undertakes, who would, in this world, where violence and oppression abound, attempt to direct attention to the persecutions which he has received, or to establish the iniquity of the motives and the disregard of moral principles on the part of those who have done him wrong

Yet there is something due to individual self—there is much owing to those who are connected to him by holy ties—there are claims which relations in society demand shall be heard—there is public virtue to be respected and professional honor to be properly estimated—and there is personal reputation, for which man should live, as there is a *name after death*, in the dark pall of which he should be willing to be enclothed, rather than that name be transmitted as an inheritance of shame! How great soever may be the reluctance, yet it must be overcome, when it would interfere with the natural, and not more natural than moral obligation, to hold up for the world's condemnation, the authors of undeserved calumny, and the cold, unfeeling, and reckless agents of unmerited oppression. The victim must do it, for eternal justice forbids not that he right himself less than others; and if in doing so, the vile deeds of viler hearts are laid bare, let them who follow their depraved impulses receive the odium which they deserve.

I have been a wronged, a deeply injured man—I have declared myself, before an united world, to be one who has been cruelly attempted to be crushed to the dust in ignominy by a conspiracy of those who cared not for the measures which they employed, provided their unholy purpose was reached. I waive now all the acts to which the sternest justice will award some meed of honor; I throw aside the consideration that my whole life has been faithfully devoted to my country's welfare and glory—I point not to the sword which never was sheathed when that country called, which was never dimmed by one deed of shame, and which—may heaven be denied me if it should—never shall be disgraced! I seek not sympathy on these accounts; nor do I ask it on others. But I have been oppressed, and vilified, and almost crushed; and I ask only that you will examine the evidence now to be spread before you. Let my complaint be that of the most humble mortal, and let its justice be tried by sternest principles in its exercise. It is all that is asked, and I know it will not be denied. I appeal to the world for a decision in respect to my oppressive sentence, assured that the inquest must bestow the verdict of bitter, cruel wrong as having been my portion. With that world I leave the retribution which they who brougth it upon me so richly merit, so fully deserve—not only from the high-minded and honorable, but from all not steeped as deep in infamy!

Before introducing the evidences of this wrong which has been visited upon me, I will remark, that Courts of Inquiry and Courts Martial were originally constituted as Courts of Honor, and their judges were invested with powers not to be reached even by a king. Times have changed, and so have men; and the same ruling passion does not now exist. To be a competent judge, an officer should be familiar with the law, capable of deciding upon the legality of questions, and upon their applicability to cases under consideration. To enable him to detect errors in proceedings, he should have a full knowledge of precedents. How differently managed are the trials of the present day! By the mode of their organization, the courts are made subservient to the will of the judges advocate. The counsel for the accused are not admitted to the tribunal's secret sessions. They can give no expositions of the bearings of their client's evidence. The irresponsible law officer of the court directs as he wills the opinions of its members, while, in fact, he *should be* merely its secretary rather than the chief director of its action.

I refer you to the case of the officer whose name is now first on the roll of the navy, Commodore James Barron. At the trial of that distinguished commander in 1808, a member of the court, in secret session, offered this resolution.

Extract from the proceedings on the 31st day of the General Court Martial convened for the trial of Commodore James Barron, Page 333.

"A motion was then made by a member of the Court, that the Court come to the following resolution:

"Resolved, That no member of this Court who hath voted the accused to be not guilty of all the charges preferred against him, can legally vote on questions involving merely the quantum of punishment which ought to be inflicted for the offence of which he hath already been found guilty."

Does not the very reading of such a resolution excite the indignation of every listener? Would such an atrocious movement be tolerated in any other court of the present day? Or would the man who could offer such a resolution be permitted ever after to enter the presence of gentlemen? I anticipate the answer of every

one who hears me—NO! Take also the case of that able and distinguished officer, Commodore Charles Stewart, who, when in command of our naval forces in the Mediterranean, had occasion to organize a Court Martial in the Bay of Naples. During its progress it adjourned from the squadron to the shore, for the transaction of business The trial closed, and the record was transmitted to the commander, who, observing its illegality, ordered a revision and correction. The judge advocate, confident of the superiority of his own learning and acumen, advised a refusal of compliance on the part of the Court. They followed his counsel, and their ships were left without commanders. They were arrested, while the irresponsible law officer escaped. On their arrival in America, on the suggestion of the Executive, *they acknowledged their error*, and were restored to their command. Take an instance in my own experience. During my trial in 1810, a witness was introduced to prove that I had used the canvass of the government to make tents for Gen. Cass and his family. I showed by the evidence of Millvill, the sailmaker's mate of the ship, that General Cass himself purchased the canvass which had been used, that he and members of his *suite* directed the making of the tents, and that I had nothing to do with the transaction. The sailmaker's mate was not an officer; his testimony was not believed; I was convicted of the charge, and punished. What was the final result? General Cass returns to America and *confirms* my statement, placing on file at Washington the original bills of the shopkeepers for the canvass. And what became of the witness whose testimony caused my conviction? He still holds his rank and emoluments as an officer of the United States Navy, though not a man in the service can doubt that he should be cashiered.

On another occasion, when I had exposed the malignity and falsehood of an officer who had been examined for the prosecution, a member of the Court, on its adjournment, to show how little influence *anything* but his prejudices and old opinions could have upon his decisions, cried out to the witness, "Come, B., go home and take a family dinner with me!" *The Courts Martial are not courts of justice.* Their decisions are not according to fact and evidence, but according to professional jealousy and ill-will. Mr. Cooper, in his case with William L. Stone, submitted to civilians, to men unbiassed and capable of appreciating evidence and arguments, and versed in maratime affairs. His triumph was complete. Had he gone before a Court Martial, composed of officers whose opinions in regard to the battle of Lake Erie had been long established, how different would have been the result! These courts should be—ere long they *must be*—abandoned; and the cases of officers in the service tried before the civil tribunals of the nation, or before some new courts instituted for the purpose. The officers of the navy, however competent to judge in ordinary controversies, are the last men to be entrusted with trials of each other.

I add to these remarks the relation of one more case, which will justify them in the view of all. On the day that the sentence was subscribed, I called at the Mansion House, in Philadelphia, to take leave of Mr. Cooper, and was informed that he was in the adjoining room. In passing to it, I suddenly broke in upon an animated conversation as to my part in the battle of Lake Erie, between Mr. C. and a majority of the senior officers of the Court. On entering, each one passed me without notice; leaving Mr Cooper and Mr J. B. Quimby the occupants of the room. There seemed to be much flurried excitement on the part of Mr. Cooper, which I could not understand, but when he left me, Mr. Quimby remarked, "Commodore, you interrupted a most interesting discussion on your entrance, relative to your participation in the Battle of Lake Erie. Do you see those bits of paper on the table? They delineate the battle according to Mr. Cooper's views. Each, however, denied the correctness, and chiefly on the authority of junior officers in the service."

In conclusion, I will give the cost to the nation of the Court of Inquiry and Court Martial. It is below, and the document should be seriously examined and pondered upon. Let the world see what was the expense of the attempt to ruin an individual. Let that world know that to gratify the vindictive passions of J. K. Paulding and others, the country was made to expend a sum sufficient to erect a hospital for a few infirm tars—enough to soothe the hearts of their widows and orphans—but yet not enough for Mr. Paulding and his fellow-conspirators to purchase an approving conscience for themselves or favorable opinions from the meanest.

Treasury Department, Fourth Auditor's Office,
January 9th, 1844.

Sir—In compliance with your request, that I would inform you what was the aggregate expense of the Court of Inquiry and Court Martial which were convened in your case, the former in the year 1839 and the latter in 1840, I have to state that the whole expense of the two Courts appears to have been about THIRTEEN THOUSAND THREE HUNDRED DOLLARS.*

This may not be the exact amount, to ascertain which would require more time than has been allowed me; but it is believed to be a near approximation to the precise sum, which you observed was all that you desired.

I am, sir, very respectfully, your obedient servant,

A. O. DAYTON.

To Com. J. D. Elliott, Philadelphia.

NOTE.—*What must have been my individual expenses?*

I introduce the proofs of the wicked injustice and wrong done me by presenting my leading and closing remarks made before the Court of Inquiry, excluding the explanations of the cases under examination.

Copy of Explanatory Remarks of Commodore Jesse D. Elliott, before the Court of Enquiry.

(A. B.)

Mr. President and Gentlemen of the Court:—

Before I leave the subjects of enquiry which you have had under consideration, I wish to present a brief view of the evidence exhibited upon the respective charges.

The order of the Secretary of the Navy, dated the 23d day of March, 1839, constituting this court, directs you to enquire into certain specified complaints and charges. A. being charges or complaints by Passed Midshipman Charles C. Barton, A. No. 1 to No. 9 inclusive, being letters and certificates in relation to the complaints or charges of the said Barton; B. charge by Lieutenant Charles G. Hunter, C. and C. No. 1, letters respecting the presentation and acceptance of certain plate. D. letter of Lieutenant Charles H. McBlair and others in relation to mutinous conduct, on board of the United States Ship Constitution in Hampton Roads. E. charges by Lieutenant Charles H. McBlair. F. letter of Captain Jesse Wilkinson, as well as to enquire into the official conduct generally of the said Captain Jesse D. Elliott, while commanding the United States Naval Forces in the Mediterranean sea in 1835, 1836, 1837, 1838. The Secretary of the Navy, in his letter of the 23d April, 1839, has extended this enquiry to my official conduct generally on Hampton Roads.

In accordance with the spirit of the precept, the Judge Advocate has felt himself bound to put the following question to each witness, with the direction to the witness, that, under the general enquiry, he might state anything in the official conduct of Capt. J. D. Elliott, which in the opinion of such witness merits examination.

Do you know of any other matter in the official conduct of Captain J. D. Elliott, while commanding the naval forces in the Mediterranean sea, in the years 1835, '6, '7, '8, appertaining to the enquiries now before the court?

Such a course of enquiry is not authorized by either precedent or authority. The writers upon the Laws of Courts Martial, state the object of a Court of Enquiry, to be to enquire into some particular transaction, such as the loss of a ship, the failure of an expedition, and the like cases; but I believe there is no instance on record of an enquiry extended like the present. The injurious consequences of such a mode may be readily anticipated. I have been exposed to the natural prejudices and bias of every individual who may have felt himself aggrieved by any act of mine—to the want of knowledge of the law of the individual who makes the statement—to his knowledge of some isolated fact, and an ignorance of the whole transaction which constitutes the ground of accusation—to the inconvenience of having every loose and fugitive remark detailed, with all the errors incident to misapprehension at the time, and subsequent forgetfulness on the part of the witness.

In this manner charges have been made against me without the responsibility of an accuser, and, as you have seen, often accompanied with the declaration on the part of the witness, that he makes no accusation, but feels himself bound to state the facts he is about to detail. I am, also, deprived of the opportunity of obtaining the testimony of witnesses who are absent on public duty, and who if present might explain the circumstances thus incorporated into a charge.

Mr. Starkie, a learned writer on the Law of Evidence, comments upon the danger of relying upon evidence of loose conversations in the following terms: "Such considerations operate strongly upon detailed evidence of oral declarations after the lapse of a considerable interval of time. Every man's experience teaches him how fallible and treacherous the human memory in such cases is. In its freedom from this defect consists one great excellence of documentary evidence, and its main superiority over that which is merely oral: and on this principle it is, that the law out of policy frequently deems mere oral evidence to be too weak, and requires a written voucher to prove the fact.

"Of all kinds of evidence, that of extra judicial and casual observations is the weakest and most unsatisfactory. Such words are often spoken without serious intentions, and they are always liable to be mistaken and misremembered, and their meaning is liable to be misrepresented and exaggerated. A hearer is apt to clothe the ideas of the speaker as he understands them in his own language, and by this translation the real meaning must often be lost. A witness, too, who is not entirely indifferent between the parties, will frequently, without being conscious that he does so, give too high a coloring to what has been said. The necessity for caution cannot be too strongly and emphatically impressed when particular expressions are detailed in evidence, which were used at a remote distance of time, or to which the attention of witnesses was not particularly called, or where misconception was likely to arise from their situation, and the circumstances under which they were placed."

The truth of these remarks has been fully confirmed in the course of the present investigation; and whenever I have been able to refer to a written document, I have disproved the accusation that had been founded upon conversations detailed as evidence.

*Of which sum the Judge Advocate received about TWO THOUSAND DOLLARS.

It will not be forgotten by the Court that the witnesses who have been examined were my inmates, serving as officers on board the same vessel with me, on apparent terms of friendship, in whom I confided without reserve, and from whom I expected a reciprocity of kindness and good will. Let us imagine that the Grand Jury of this or any other community, should be directed to enquire into the conduct of any individual, during a period of three or four years; that they should call before them and examine the members of his family and his intimate friends, and enquire into all his transactions of the most private nature. Public opinion would decide that it was an inquisitorial engine of the most dangerous character, and should not be exercised for a moment. Yet this is precisely what has been done in the present case. My official conduct in the case of Passed Midshipman Barton and Lieutenant Hunter, had been the subject of Legislative inquiries in the House of Representatives of the United States at their last session, and owing to the lateness of the session, it was *alleged* could not be acted upon. I solicited from the Secretary of the Navy, a Court of Enquiry into the two cases specified. He acceded to my request in the manner that has been stated.

In addition to the six specific charges designated by the Secretary of the Navy, there have been exhibited, under answers to the general enquiry, *twelve* distinct accusations, all of which I shall proceed to examine. I have submitted to this course of enquiry, because I believed I had no just ground to fear the result, and because I had been so long the subject of bitter and unmerited invective and obloquy, that I knew nothing but the most illimitable and searching investigation could exculpate me in public estimation, and hereafter silence my adversaries. With, however a proper respect for the source from which this order emanated, and in order to prevent its ever being used as a precedent hereafter, I now enter my firm and decided protest against it.

But although I have submitted to a mode of enquiry so vague and indefinite in its nature, it is still due to me that the charges successively developed should be specific; that the time when, the place where, and the circumstances should be stated, as also the law, or provision of the Rules and Regulations for the Government of the Navy of the United States, which it is alleged I have violated.

I have now examined each charge under its respective head it remains with you to determine upon what (if any) charges you will recommend to the Secretary of the Navy to order a Court Martial.

In all my official conduct I have endeavored to maintain the order an I discipline of the navy, the bulwark and glory of our country; the allegations against me are based upon the destruction of all subordination between officers of comparative rank, and it remains with you to determine what of right and justice ought to be done.

(signed) JESSE DUNCAN ELLIOTT.

Philadelphia, July 2d, 1839.

To the Hon. A. P. UPSHUR, Secretary of the Navy.

Washington, March 4th, 1843.

Sir:—In the conversation of Tuesday last, you were kind enough to intimate the propriety of my submitting to the department, a statement upon the prominent points, upon which I rested my claim to be restored to duty. In doing so, it is not my intention to impugn the motives of any of the distinguished officers, composing the Court under whose sentence I have suffered, or to go over the grounds of defence assumed and ably sustained by my Counsel, the Hon. George M. Dallas, but simply to direct your attention to certain facts and documents, the bearing of which upon the question submitted to the Court, will to your mind be apparent. The evidence referred to was not submitted to the Court, and I allege that it would authorize and lead to a different conclusion from that which the Court arrived at, and if correct in this, I may without the imputation of arrogance, ask the Department, to give to these statements the consideration which they deserve.

In execution of my present purpose therefore, I would respectfully call your attention, to the causes which led to the appointment, originally, of the Court of Enquiry. On this subject I would invite your examination of a letter addressed by me to the President, dated July 6th, 1842. This letter was referred by the President to you, and by an endorsement made I believe by yourself, it is intimated, that you will look into the case as soon as the pressure of business shall be relieved.

In connexion therewith to the following Documents now in the Navy Department, viz:

A letter from James K. Paulding to me on the subject of importation of animals, dated the 15th day of Nov. 1838, and my reply to the same.

A letter from the same to me on the subject of an alleged interference by me with the organization of parties in Pennsylvania during the winter of 1838, when my efforts were invoked to aid the Executive of Pensylvania, in securing the supremacy of the laws, dated the 12th day of December, 1838, and my answer to it likewise.

An examination of these Documents will shew that my response to the invitation of the Executive of Pennsylvania originated the movement in Congress, which resulted in the appointment of a committee, or the details of whose action, I beg leave to refer to the Congressional Reports of 1838-9. The charges then made were confined to the alleged mal-treatment of Lt. C. J. Hunter* and passed midshipman C. C. Barton, and in reference to those charges, and to them exclusively, I sought and obtained the appointment of a Court of Inquiry, (see the application and proceedings on file in the Navy Department.)

Much to my surprise a precept was issued under the direction of the Hon. J. K. Paulding, making my conduct as an officer the subject of universal investigation, and accompanied by special instructions to the Judge Advocate after certain specific allegations were investigated, to inquire into my conduct during the years, 35, 6, 7, 8, 9, and furnished the names of 130 witness and upwards. I regard this order emanating from the source referred to, as unprecedented in our Naval History—involving a tendency of alarming consequence to the service, and pregnant with injustice the most flagrant and apparent to the accused, and such I most solemnly declare has been its effect in my individual case.

The proceedings of this Court of Enquiry are on file, and in reference to them, I invoke your examination of the opinion of its presiding officer, Commodore Charles Stewart, dissenting from the two junior officers. (A No. I.)

* See letter on page 45, Appendix.

† See Note, pages 27 and 28, Speech.

I desire also to refer you to the letter of G. M. Dallas, dated Philadelphia, 11th January, 1840, addressed to the Hon. J. K. Paulding, Secretary of the Navy, submitting to his consideration the correspondence between Mr. Randall, who was my Counsel before the Court of Inquiry, and myself. The correspondence alluded to embraces the Letter of G. M. Dallas, dated at Philadelphia, 10th January, 1840, and the reply of Mr. Randall on the day succeeding. The charges referred to were those brought by Lieutenant Hunter, Midshipman Barton, and the complaints of Dr. Washington. The Record of the Court Martial will shew that I was tried on all those very charges and convicted on those made by Midshipman Barton. These charges were regarded by both Mr. Dallas and myself as excluded by the Court of Inquiry, and in this respect the proceedings is without the sanction of law, and contrary to all precedent. If the position be correct, that when two or more charges are the subject of enquiry, the Court of Inquiry shall specify and state distinctly upon what, if any of the charges the accused shall be tried, it will follow that the proceeding of the Court Martial by whom I was tried, were without authority of law, irregular and oppressive, there having been no such distinct preliminary specification and finding. The Secretary was informed by me of the character of this proceeding, and urged to send the record back, for the purpose of securing distinctness, as to the offences charged, and the person against whom charged. This request was disregarded, and the consequence has followed that I have been tried for the offence of a subordinate officer for which I was not amenable, either in justice, or in accordance with the regulations of the service.

In connection with this branch of the enquiry my complaint distinctly is, that I have been tried and condemned for the offences of Captain William Boerum. Among these were the punishment of a seaman at Beyrout—the punishments on board the Constitution in the Harbor of Mahon, Lieutenant Bullas, the inattention to the discipline of the ship while in Hampton Roads—and the alleged improper use of the public stores, and other similar charges, of which evidence was given at length before the Court, and which, it is apparent, has influenced its decision. In this connection I refer you to the letter of Hon. Mahlon Dickerson, dated Navy Department, August 8th, 1835, and also to page 29 in the Navy Department, chapter 23d, section 1, and to the same book, page 37, chapter 37, section 1. I extract from the letter, the following paragraph:

"Since the order to you of the 25th u't. directing you to hold your ship in readiness for the Mediterranean, you have been entitled to hoist your broad Pennant, as you will perceive by reference to the regulation on the subject, Page 29, Red Book of Civil Rules."

On the 18th August I sailed for the Mediterranean, and relieved Commodore Patterson in the command of the squadron on the station. After assuming that command by the 37th Rule above referred to, I was authorised to appoint a flag Captain, or to select an officer to perform the duties under the sanction of the Secretary of the Navy; I however performed all the duties of the Command without a flag Captain from the 18th of August, 1835, till the 30th November, 1836, when by appointment in writing signed by me, Captain William Boerum assumed all the duties and responsibilities of Flag Captain of the Constitution, of which appointment the Secretary of the Navy was duly apprised by me, a will appear by letter and his answer now on file. The orderly book was handed to Captain Boerum in which the following order was entered, for the future direction and government of the ship. "All Reports hitherto made to me as commander, will in future be made to Captain Boerum as commander of the ship," and so entered on the Log. From the date of the appointment, all the duties appertaining to the Flag Captain of the ship were assumed by the said Boerum, including settlement of accounts, infliction of punishments, navigating the ship, disbursing the stores, receiving reports from the officers, and attention to all her requirements. I did not in any respect interfere with him in the discharge of those duties except so far as was necessary for the general purposes of the squadron, and preservation of the ship from imminent danger on two occasions.

I subscribed a certificate written by himself that he had performed those duties, and he claimed the pay of a commander from the time he received the appointment, till the transfer of the ship by him to the Commander of the Navy Yard at Norfolk, and actually received receipts for the same. Of these facts the evidence is ample and of the most decisive character (*A. Nos. 2 3 4 5 6 7 8.) I invite your examination of it, and ask you to decide whether under such circumstances it was reasonable that I should be held responsible for the matters of complaint before enumerated, and which according to the regulations of our service were distinctly assigned to his cognizance?

In reference to the animals brought into the country on board the Constitution, I would refer you to the instructions of the Government on that subject. I acted on this occasion with no view to individual benefit, but was influenced solely by a desire to promote the interests of agriculture and the arts and thus to promote the views of the Department emanating from the Hon. Samuel L. Southard and addressed to the Commanders on the several stations. To this letter of instruction I invite your attention. These instructions have been acted upon by the various commanders who have preceded me in different stations, and in following their praiseworthy example in my endeavors in any respect to improve the condition of our country, I little imagined that I was furnishing my enemies with the means of criminal accusation against me. Of my intention to bring these animals home, I had apprised both the Secretary (*A No. 9.) and President many months before my departure from the Mediterranean, and my letter to the latter is on file in the department.

In reference to the ships stores I would remark that they were within the peculiar control of the officers upon whom by the rules of the service, was cast the duty of disbursement, and if any portion of them was withdrawn they had my positive instructions to see that they were returned, as testified to by Carpenter Sage page 304, of the Record, (*A No. 10.)

The canvass referred to in the testimony of Lieut. Harwood, and which he states was used for purposes of General Cass (See page 158 of Record of Court of Inquiry) was in fact purchased by General Cass at Marseilles, France, and brought on board the ship, and afterwards manufactured into tents for the use of himself and family and attaches. See deposition of Melville, page 481 of the same Record. I have reason to believe this honest Tar was regarded by a portion of the members of the Court as a suborned witness, and that his production as a witness had a most prejudicial tendency for that reason. Yet Sir, his entire testimony contained the truth and nothing but the truth. This I do most solemnly aver, and this averment is sustained by the receipt and bill now in possession of General Cass, taken at the time of purchase and years before the trial, dated in May '36 or '37. (*A No. 11.)

There is another material feature in this transaction, which invests this appeal with peculiar claims on the Department over which you preside. It is briefly as follows. After noticing the extending character of the precept, it occurred to me as essential, to secure the testimony of Purser Fontleroy, who was Purser of the Shark, at the period when past-midshipman Barton was left at Smyrna, and who was instructed by me to place in his hands the amount of money due him up to that day, and

likewise in the hands of David Offley, the American Consul at Smyrna, three months pay in advance with a letter of credit for his monthly pay, until he was enabled to return to the ship. Purser Fontleroy was then attached to a sea-going ship.

With a view to secure his testimony, and that of several other officers similarly situated, I applied to Mr. Paulding, by letter dated 16th March 1839, (A No. 12.) and received for answer his letter dated 26th of the same month, (A No. 13,) which letters are now on file. I asked that these officers might be detained, to give testimony on my trial, and was informed that they could not be detached and that their testimony might be taken upon interrogations to be forwarded to their respective places of destination. In reference to several of these witnesses interrogations were prepared and forwarded, but in no one instance was the testimony of the witness secured.

Mr. Fontleroy as I have understood is now a resident of Alexandria, and would no doubt be willing to verify these statements. I have not seen him since my departure from Smyrna: nor have I had any correspondence with him; but knowing the facts myself, I confidently refer to him as being in possession of the same information. He could have sworn to these and other facts, indicating the kind feeling which was cherished by me towards that young man in his misfortune. *See Appendix page 41 No 6.

I therefore distinctly allege, that I have been found guilty of cruelty and oppression, in my treatment of Past-midshipman Barton, and that too, upon the testimony of Mr. Barton himself; when by the decision of the department I was deprived of the testimony of Fontleroy and others, who would have established by their testimony the real character of my conduct on the occasion.

In connection with this part of the subject I would most respectfully refer to the cross-examination of Mr. Barton before both courts.

Before closing this communication, I would specially ask your examination of that portion of the proceeding before the court, which embraces the testimony of Lieut. M. Blair. It will appear that this witness was permitted to testify as to the contents of the letter, without the production of the original, and this too against the consent of my counsel and in defiance of my most solemn protest. The Court having decided that the letter itself was inadmissable, a paper was then offered by my Counsel, protesting against its contents being placed upon the record. This paper was also overruled, and all further examination of this witness, or any other, subsequently called by the Judge Advocate on the same subject, was abandoned by my Counsel, who at that time and since has repeatedly informed me that the proceeding was in direct violation of all rules of evidence, and never could receive the Executive sanction.

This letter contains some of the most prominent objections to the proceedings and sentence of the Court. I invoke your serious examination of them, in justice to the interests of the Department over which you preside as well as to the reputation and character of your humble servant,

J. D. ELLIOTT.

The Hon. A. P. UPSHUR, Secretary of the Navy.

A No. 1.

[COPY.]

It appears to the President of the Court that the complaint of Capt. Jesse Wilkinson, that Commodore Elliott gave orders to Consul O Rich, at Mahon, "not to transfer any official documents to him," as next in command, is not proven.

On inquiry into the official conduct of Commodore Jesse D. Elliott during the years 1835, '36 '37, and '38, it appears to the President of the Court, that in two or three instances, a violation of the laws for the Government of the Navy, has taken place, by order of said Commodore J. D. Elliott, in article 30th, which inhibits any commanding officer from inflicting any punishment beyond twelve lashes, on any private.

It appears in evidence also, that after the Chaplain (Mr. Everet) of the Constitution, died, Commodore Elliott ordered Chaplain Lambert, (then attached to the Frigate United States,) at his own request, to perform duty on board the Constitution, which he did, for three months, when Commodore Elliott ordered Chaplain Lambert back to the Frigate United States, in the Schooner Shark, all of which it appears to the President of the Court, he had a perfect right to do, the said Chaplain being in and attached to one of the vessels of the squadron, under his command.

It also appears in evidence, that during the command of Commodore Jesse D. Elliott, in the Mediterranean, all the ships and vessels of war composing the squadron, and the Frigate Constitution particularly, were in order, and in a high state of discipline and efficiency.

From the foregoing schedule of the facts, appearing to the President of the Court of Inquiry, with the single exception of the violation of the 30th article of the "Rules and Regulations for the better Government of the Navy" by himself, and his permitting others to violate the same. It does not appear that Commodore Elliott, has violated the laws, omitted to perform any duty exacted of him, or disobeyed any lawful order, but on the contrary, from his efforts to enforce the laws and necessary discipline of his command, much of the complaint which the court has had to investigate, has emanated.

The President of the Court is therefore of opinion that with the single exception of a violation of the 30th Article, alluded to in the foregoing, there has been no high offence committed by Commodore Jesse D. Elliott, during his command of the Mediterranean Squadron, and he is therefore of opinion that a Court Martial would not now conduce to the interests of the navy; but on the contrary, it would have a tendency to further weaken the very limited powers of a Commander of an American Squadron, abroad; and to render all future efforts to command, abortive.

(signed) CHARLES STEWART,
President.

A. No. 2.

(COPY.)

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

The petition of the undersigned respectfully sheweth:—That on the 31st of July, 1835, I was ordered to the Frigate Constitution, at New York, and sailed in her for the Mediterranean, as First Lieutenant. In December of the same year, I was ordered, by the

commander of the squadron, to the command of the schooner Shark, and on the 30th of November, 1836, I was again ordered, by the commander of the same squadron, to the frigate Constitution, as Flag Captain, and the Secretary of the Navy informed of it. Soon after this order, I sailed from Mahon, as Captain of the ship. On the 8th of February, 1837, I was promoted to the rank of Commander, and my commission sent out to me, by the Secretary of the Navy, without any orders. I was therefore obliged to remain on board the Constitution, and so continued to perform the duties of Captain until she was paid off, 18th of August, 1838. From the time of my appointment as Flag Captain, till the 18th of August, 1838, I only received the pay of a Commander attached to a vessel for sea service—believing at the same time that I was entitled to that of Captain, by the act of Congress, regulating the pay of the Navy, approved 3d March, 1835, which says that officers temporarily performing the duties of a higher grade, shall receive the compensation of such grade, while actually so employed. Herewith, are copies of my orders, as Flag Captain, an extract of a letter from the commander of the squadron to the Secretary of the Navy, notifying him of the same, and a certificate of the time I performed the duties of Captain, by his order. Quarterly muster and pay rolls, approved by the Captain, are required to be forwarded regularly to the Department. Those of the Constitution were so sent, bearing my name and rank, the pay I was receiving, and my approval;—also, all the bills of the ship, and accounts of every kind, paid by the Purser, were approved by me, and passed by the Fourth Auditor, in the settlement of the Purser's accounts. Now, three months after this settlement of accounts, the Auditor says I was not Captain of the ship, nor was I attached to her as a Commander even after I was commissioned as such. He acknowledges that I performed the duties of Captain, yet he cannot allow me the pay as such; nor can he allow me the pay of a Commander in sea service, which my commission alone gives me, but he says he considers me entitled to choose between the pay of a Lieutenant and that of a Commander on other duty. It certainly appears very singular to me that my order to the ship as Flag Captain, does not attach me to her—or that my commission as Commander should detach me from her, and I yet perform the duties of Captain.

My object now is, to claim what I think I am allowed by the act of Congress, which is, the difference between the pay credited me by the Auditor, and that of Captain from the 1st of December, 1836, to the 18th of August, 1838.

(Signed) W. BOERUM.

A. No. 3.

U. S. S. CONSTITUTION,
Mahon, Nov. 30th, 1836.

SIR.—You will be pleased to repair on board, and report for duty, as Flag Captain of this ship, as soon as you are admitted to Pratique.

I am, very respectfully,
Your ob't serv't,
J. D. ELLIOTT,
Com'ng U. S. N. F. in the Mediterranean.

To Lieut. Com'dt. WILLIAM BOERUM, U. S. S. Shark.

A. No. 4.

(EXTRACT.) U. S. S. CONSTITUTION,
Mahon, Dec. 1st, 1836.

SIR,—Having previously stated to you the necessity of my having a Captain on board my ship, and finding it increased, I have appointed Lieut. Com'dt. W. Boerum, as Flag Captain, and supplied his place by Lieut. G. F. Pearson, whom I have found to be a most excellent officer.

(Signed) J. D. ELLIOTT,
Com'ng. U. S. N. F. in the Mediterranean.

Hon. M. DICKERSON, Secretary of the Navy, Washington.

WASHINGTON CITY, January 1st, 1839.

I certify that Commander Wm. Boerum performed the duties of Captain on board the U. S. Frigate Constitution, by my order, from the 1st December, 1836, till the 18th of August, 1838.

J. D. ELLIOTT.

I, Caleb J. McNulty, Clerk of the House of Representatives of the United States, hereby certify that the foregoing are true copies of papers now on file in this office.

C. J. McNULTY.

January 3, 1844.

A. No. 5.

(COPY.) PHILADELPHIA, May 2d, 1839.

SIR,—It appears to me important that I should know from the Navy Department what position I held in the frigate Constitution, during her late cruise in the Mediterranean, and I respectfully request that I may be informed whether Commodore Elliott or myself was considered by the Department as Captain of her. My reason in addressing the Department on the subject is, that I wish to state it to the Court of Inquiry.

I am, respectfully,

Your ob't serv't,

(Signed) WM. BOERUM, Com'dr. U. S. Navy.

HON. JAMES K. PAULDING, Sec'y. of the Navy, Washington, D. C.

A. No. 6.

(COPY.) NAVY DEPARTMENT, May 7th, 1839.

SIR,—In reply to the inquiry contained in your letter of the 2d inst., I inform you, that the Department considered Commodore Elliott as the Captain of the frigate Constitution, during her late cruise in the Mediterranean.

I am, respectfully,

Your ob't serv't,

(Signed) J. K. PAULDING.

Com'dr. WM. BOERUM, U. S. Navy, Philadelphia.

A. No. 7.

(COPY.) U. S. S. CONSTITUTION,
Off Jaffa, August 4, 1837.

SIR.—You will proceed with the ship under your command to Beyrout, and water at that place. On your way, you will touch at Cæsarea, Tyre, and Sidon, and exchange salutes, gun for gun, at each of these places; and reciprocate, at the same time, all proper civilities with the consular and other authorities on shore.

You will be in readiness to sail from Beyrout in 21 days from date of this, where I shall re-embark. While there, you will permit as many officers as can be spared from the ship, to go to Damascus, to remain two days, and be back at Beyrout on the 23d inst.

Very respectfully.

Your ob't serv't,

(Signed) J. D. ELLIOTT,

Com'dg. U. S. Naval Forces in the Mediterranean.

Com'dr. WM. BOERUM, Com'dg. U. S. S. Constitution.

A. No. 8.

EXTRACTS FROM THE RECORD OF THE COURT OF INQUIRY.

FROM COMMANDER BOERUM'S EXAMINATION.

Page 426, 27.—Question—What became of the man who was continued in confinement at the request of Lieut. Harwood?

Answer—When Commodore Elliott came on board, I reported all that I have stated to Commodore Elliott, and he asked me if that man was much drunk at the time; I told him he was, and he then told me to give him a good flogging. I think he said two dozen, and let him go; and I did so

Page 427.—Question by the Court—Did you report to Captain Elliott the improper conduct and drunkenness of the crew, at the time the Sarcophagi were brought on board the Constitution? If aye, what were his orders in relation thereto?

Answer—I reported to him the number of men that had been drunk, how they had behaved, and the punishment I inflicted. He gave me no orders, except with regard to this one man.

Page 428.—Question—Was there an order issued by Commodore Elliott, not to flog the men, and afterwards countermanded? If aye, at what time was it issued, and when countermanded?

Answer—There was an order issued by Commodore Elliott, not to flog the men; it was given at Mahon, I think, soon after Mr. Bullus flogged the men at Mahon. The order was never countermanded.

Page 429.—Question—Did you, as Captain of the Constitution, ever delegate to Lt. Bullus your power, or authorize him to inflict punishment?

Answer—No, I never did. I have authorized him to flog men with the colt.

Page 431.—Question—Was any account ever rendered to Captain Elliott of the things furnished out of the public stores, for his private use?

Answer—I don't know of any.

Page 441.—Question—On your assuming the command of the Constitution, did not Captain Elliott put into your hands a set of regulations, of which the book now produced is a copy?

Answer—*I never did assume the command of the Constitution; Commodore Elliott never transferred it to me. When I reported to him as Flag Captain, he handed me a set of regulations, which are at my home in Connecticut. I can't say whether this is a true copy or not.*

Page 441.—Question—Did Captain Elliott ever recal the letter of November 30, 1836 just produced?

Answer—No, he did not.

Page 441.—Question—Did you not approve of the payments and requisitions for the Constitution, and did you not inflict punishments on the men, without consulting Captain Elliott, after you were appointed Flag Captain?

Answer—I approved all the accounts of the ship. I never flogged a man on board the Constitution, with the cat, when Commodore Elliott was on board, without consulting him. When he was not on board, I did, of course.

Page 442.—Question—In what capacity did you sign the quarterly returns, and other papers relative to the Constitution, after you were appointed Flag Captain?

Answer—I signed them as Flag Captain; I never put any thing under my name. Commodore Elliott told me to approve them; and the first that I did approve, was approved in his presence. I subscribed nothing but my own signature.

Page 443.—Question—Did you ever receive an appointment as Flag Captain, or Captain of the Constitution, from the Navy Department?

Answer—No; I have received this letter from the Secretary of the Navy:

A. No. 9.

[COPY.] *U. S. Ship Constitution,* Mahon, Nov. 23, 1837.

Sir,—On our arrival at Constantinople, Com. Porter, believing himself to be infected with the plague, remained in quarantine. Thinking himself convalescent he made an effort to have an interview with us on board the Constitution, which caused a relapse, and which obliged us to visit him at his own house. He there showed me a communication from the Secretary of State, informing him that instructions would be forwarded to me from the Secretary of the Navy relative to receiving the Turkish youths into our service, to be placed on sea duty and a course of mathematical study. Expecting to obtain my official letter at Malta, and the Shark having received orders while off Ludor, Island of Candia, to meet the reported piracies in the Gulf of Salonica, I gave instructions to Lt. Com't. Pearson to communicate with Com. Porter about the Turkish youths, and if ready to embark to receive them on board, and place them on midshipman duty.

While in the Dardanelles he took on board four colossal balls, two of which I had previously requested the consul to procure for me, for the purpose of conveying to the United States. Two of those, if found acceptable, to be placed over the gate of the Naval Asylum, Philadelphia; the remaining two obtained by Com. Porter for the Carlisle Institution.

I also procured while in Beyrout to convey home, two marble Sarcophagi, with antique devices of remote antiquity. These I obtained on private account; and to keep up old associations of my native state, I have presented one to Carlisle College, Pa., to be preserved among the treasures of that institution. The other I intend for some similar disposal. I feel an interest in introducing among us these ancient relics, and am confident they will be appreciated by the antiquarians and the learned of our country.

While in Syria, I improved the opportunity of securing at much trouble and risk, a sample or two of the pure Arabian breed of horses, with a few other choice animals, with which during these times of peace I thought to improve our equestrian stock, might be introduced with advantage in the United States.

By return of the Shark I received the accompanying communication, a copy of which I enclose, also a copy of my letter to Com. Porter of July 22d, together with his reply to the same. Very respectfully, &c.

(signed) J. D. ELLIOTT, *Com'd, &c.*

Hon M. Dickerson, Secretary of the Navy, Washington

A No. 10.

The testimony of the carpenter about the stores of the Constitution, which I was charged by Mr. Bullus with using without making any return is conclusive as to my innocence. It will appear there that when he informed me of my servants getting articles out of the store room without returning them, I charged him to *see that they were returned.* Before the court I asked Mr. Bullus why he did not, as instructed, give me a list of the articles taken from the store room, and he answered that he had forgotten it. And the reason of his forgetting was that when we anchored in Hampton roads he, through fear of the men, whom he had abused, left the ship in more of a hurry, than becomes an officer of his pretended bravery;—for he spoke daringly before the court of his wishes to fire into some hundreds of drunken men, who had become so through his negligence, and because I would not suffer him thus to butcher them he charges me with not suppressing a mutiny on board the Constitution in Hampton Roads!

A. No 11.

Extract from letter of General Cass.

Paris, Dec. 2d, 1836.

Dear Sir.—Commodore Patterson told me, I must have a travelling canteen, containing a small cooking stove, with all the apparatus for cooking and eating for 8 or 10 persons, to be so made as to be portable on horseback. And also a tent. I saw in London articles of the above description, exactly suitable to the object. The tent was a bell tent, sufficient for twelve persons, with a table to be fixed round the pole, and the eating machinery was of the neatest kind. I shall also want five side saddles and some men's saddles, and various other small things, to accommodate the party on the short excursions, contemplated into Egypt and Palestine, in which I calculate to have the pleasure of your company. These things, I will get in England, and have sent by the steam boat to Malta; there to be taken on board your squadron, unless you should think some other port preferable. Patterson told me I could get every article of provision at Naples, including tea, coffee, sugar, hams, biscuit, butter &c., better than in any other place he knew, and cheaper than in the United States. It may be, however, that some things could be better got at Gibraltar or Marseilles. Will you tell me the result of your expence, and also whether you could have such things got for me at Gibraltar, as it might be best to get them there. He also said, that excellent wine could be had at Naples, but that I must have a considerable quantity of champaign, as the Turks are very fond of it.

I am anxious to hear from you with the least possible delay, as I must of course rest upon my oars till then. And the season will soon come round, when I ought to be preparing. I hope public considerations will enable you to take the whole squadron, as I think the appeal would be better for the country. Please also to tell me how I shall get money; bills upon London, Gibraltar, Naples, or whatever place may be best for me.

I anticipate, my dear sir, great pleasure from being with you, and as I intimated in my former letter, you must allow me to make all the arrangements necessary to the credit of our country. I am, with great regard, truly your friend,

LEWIS CASS.

Commodore Elliott, commanding U. S. Squadron in the Mediterranean.

A. No. 12.

[COPY] *Carlisle, 16th March,* 1839.

SIR—I consider the [illegible] of the following witnesses, who are absent or ordered to sea, as indispensable, viz: Dr. Egbert, Passed Midshipmen Dulany, Hagerty and Lewis, Boatswain Whittaker and Purser Holland. But as I am very [illegible] to avoid delay, I shall endeavor to supply the want of Mr. Lewis, by using his testimony heretofore given. I have written to Mr. Holland, for his deposition, and may perhaps be able to receive and use it. If not, the Court may send interrogatories to him on his arrival at Pensacola. If the Court convene very soon, Dr. Egbert and Messrs. Dulany, Hagerty and Whittaker, might possibly be examined before the time of their vessel sailing.

Respectfully your obedient servant,

(Signed) J. D. ELLIOTT.

Hon. Secretary of the Navy.

A. No. 13.

[COPY] *Navy Department, 26th March,* 1839.

Commodore Jesse D. Elliott, U. S. Navy, Carlisle, Pa.

SIR—Your letter of the 16th inst. has been received. Surgeon Daniel Egbert, Passed Midshipman Dulany and Boatswain Whittaker, are on board the U. S. Ship Warren, which vessel sailed a few days ago for Pensacola.

As you represent their testimony to be of importance to you, and as they cannot without great inconvenience to the service, be spared from their present duty, the Department suggests that you procure the depositions when the Warren shall have arrived at Pensacola, which it is believed she will do by the time a letter from you would reach there.

I am respectfully yours,

(Signed) J. K. PAULDING.

In order to exhibit the weight which should be attached to the testimony of Surgeon Washington, who was among my active enemies at the time of the Court Martial, I requested the documents in relation to certain circumstances which occurred in the Mediterranean, to be sent me by the Secretary of the Navy. From the reply of Mr. Paulding, it will be seen that the request, which the most abject had a right to demand, was denied me, and the tale of the witness was received in full faith, and with no abatement, without an opportunity on my part of presenting him to the Court in his proper light. Such was the justice that was extended to me;—such the proceedings of a Court, and the conduct of a Secretary, who held my fate in their hands!

Extract.

NAVY DEPARTMENT,
8th of May, 1839.

Sir:—The Department declines furnishing copies of your communication of December 14th, 1837, and the papers connected with it, in relation to the case of Surgeon Bailey Washington, unless called for by the Court now sitting in Philadelphia, upon the ground of their being, in its opinion, material and necessary to the enquiry with which it is charged.

I am, respectfully, your obedient servant,

(Signed) J. K. PAULDING.

Commodore J. D. Elliott, U. S. Navy, Philadelphia.

U. S. Ship Constitution, Mahon,
December 14, 1837

Sir,—I herewith have the honor to forward a copy of the survey held on the state of health of Fleet Surgeon Bailey Washington, together with copies of other papers in connection with his case. Having declined to return to the United States in the Shark, Dr. Washington will, at present, remain in the Hospital, at this place, under the care of the medical officer in charge of the same.

Until further instructions from the department, I have transferred Surgeon S. Barrington, as successor to Dr. Washington, in the Constitution.

The case of the Fleet Surgeon is both hopeless and melancholy. I have advised him as his friend, and admonished him as his commander, without any perceptible benefit. My respect for his family connections led me to leave no means untried to prevail on him to change his mode of life, and to dissuade him from his course, but all to no avail; which not only shows how the best natural talent may be perverted by reckless dissipation, but the state of morals here where such dissipation is carried on.

Should Dr. Washington live to return to his family, with them, he might possibly feel the force of his situation, to work a change; until then, none is hoped for.

During our last summer's cruize he was left, under care of a lieutenant in charge of the Hospital at this place; his feeble state of health and extreme depression of spirits unfiting him for active sea duty, it was thought advisable to place him on light shore service. On our return, I perceived no alteration in health or habits of Dr. Washington, for while the latter were persisted in, he could not expect or hope to regain the former.

He has permission to return to the United States, in the first vessel bound in that direction, the coming spring.

As the squadron is without a Fleet Surgeon, I wait for the supply of that vacancy by an appointment from the Department.

Surgeon G. R. B. Horner, now senior on this station, I would recommend, as in all respects well qualified to assume the duty.

Very respectfully, &c.

J. D. ELLIOTT,
Commanding U. S. Naval Forces in the Mediterranean.

Hon. M. Dickerson, Sec'ry of the Navy, Washington.

Mahon, Dec. 12, 1837.

Sir,—For more than a year my health has been so bad that I have been an incessant sufferer. Some idea may be formed of the nature of my disease, by a perusal of the accompanying narration, which I must ask to be returned. If a fair copy be desired, I will write one off.

I have long been placed under embarrassing circumstances, so as to be at a loss how to act. I do not believe I could at this moment attend to duty on ship-board, or that I could undertake to return to the United States, until a further improvement might take place in my health. In the course of to-morrow, I shall endeavor to call and make some application or apply for advice.

I have the honor to be, &c.

B. WASHINGTON,
Fleet Surgeon.

To Com. Elliott, Com'ing U. S. Naval Forces, Mediterranean.

NARRATIVE.

For some months preceding my receiving orders to the Mediterranean, I experienced a degree of dissatisfaction inscribable mingled with melancholy, that I could not account for, unless it might be one of the consequences of passing the boundaries of youth; or to speak more strictly, I did not like to reflect on my unpleasant feelings and want of enjoyment, when I had so much to make me happy. I wished to conceal them not only from the world, but from myself. Reading became daily less interesting; while writing, time passed more agreeably, but I was so often surprised at the impropriety of my ill-natured expressions when I had time for reflection, that I abandoned this unprofitable occupation, I had previously determined on finishing my sea service in the high grade which my seniority entitled me, and was desirous of getting to the West Indies or the Mediterranean for a short term, with the view also of recommending a system for supplying the Surgeon's Department, that I was assured would have been favorably received as most economical and convenient, and of retiring from the sea service with some degree of credit: but under my then more unpleasant state of feeling, I concluded that a cruise to the Pacific, where nature is seen in all its grandeur and contrasts, would incite my attention and relieve my mind more than the monotony of those countries to which I had been too much familiarised. This consideration induced me to apply for the station in preference, never doubting of my being in the best health for any service.

I proceeded to the Mediterranean, the beginning of June, 1836, and was about a month after, in the middle of the night, awakened by most intense pain in the abdomen, accompanied with cold perspiration, and such depression of spirits and helplessness, that I made no exertion to procure assistance. At the end of an hour, I felt instantaneously relieved and enjoyed sound sleep, the paroxysm having passed off as an incubus after a protracted visit. I experienced no more pain, but frequently felt unhappy until the 27th August, when near two o'clock in the morning, a similar attack came on, and after continuing more than two hours without abatement, it was conceived necessary to take wine. This gave me entire relief. In less than an hour, refreshing sleep came on, and I felt well more than three weeks, when apprehending a return, I took gentle aperient medicine; but finding myself more debilitated at the end of five days, I obtained relief from wine, porter having been previously tried without benefit. I found it necessary to use alcohol in the shape of either wine or brandy, at about four periods after this, until the 8th of February, when the symptoms of my disorder having been aggravated by mild evacuating medicine, for every step in this direction was decidedly wrong, I determined to use alcohol more steadily and in smaller quantities; but on the 11th, two days after commencing the experiment, the depression increasing, and the countenance evidently jaundiced, I determined on trying gin, from its being supposed to possess medicinal properties, and also from the circumstance that no good brandy could be procured.

I drank it freely, and for the first time since commencing the cruise, experienced considerable excitement, succeeded by a corresponding degree of relaxation. My painful sensations were suspended at the time, and although I took more than might be necessary, yet, next day I found the important secretion that had been suppressed fully restored, and I concluded I had derived benefit from the trial. Either the first or second evening after, finding some uneasiness and debility, I again drank this fiery spirit, but it no longer afforded me relief, and in the course of the night, I felt so depressed as to despair of recovering, believing no resource left. After confinement to bed for some days, feeling little else than debility and want of appetite and cheerfulness, I moved about until February 20. During a walk on shore immediately after dinner, I felt not only relieved from sickness, but experienced in an instant, what I had often felt before as suddenly, excepting in a less degree, a sensation of delight. I conceived, in the thoughts rapidly fleeting before me, that my health was permanently re-established, and that I had nothing but contentment and enjoyment to expect from the future. This vision, equally agreeable and unsuspected, gradually faded away, but the reverse was not realized until next morning, when after varying dreams, I awoke with pains in the abdomen and back, attended with rigors which continued all day. Feelings of despair now obtained full possession, and I experienced changes in the course of the day, not only in relation to moral but other sentiments, that induced me to judge of myself with extreme severity. I suffered intensely both mentally and bodily, except when occasionally alleviated by opiates, until the middle of April, when more calmness was observed; the gloom became less intense, and the pains were slight and wandering, sometimes altogether absent with improvement of the countenance. But towards the last of the month, the neuralgic pains became more acute, closely resembling the tic douloureux, all appetite failed, the pulse varying from 48 to 130, with irregularity and frequent intermission: sometimes vomiting and catharsis, sudden and cold per-

spirations, and the bodily weight reduced 43 pounds; these added to the distress resulting from my lonely and derelict situation, I bore until May 13th, when I prescribed the use of brandy with confidence. It tranquilized the heart, giving steadiness and force to its pulsation, and relieved considerably the hypochondria, and particularly the pains in the diaphragm where the disease is mainly seated; but total suspension of pain never took place, until a most liberal use was also made of morphia. After a day or two, I had reason to think wine should be preferred to brandy, and these two remedies have also brought back some appetite, and by the will of Heaven, not only enabled me to exist until the present period, August 23d, but to enjoy moments of repose, and above all, I should be thankful for having the integrity of my mind sustained during these severe trials.

When first attacked on board the United States, I was at once alarmed with the idea of my disease being a misplaced or wandering form of gout, and now I cannot doubt of such being the ease, and that nothing but time with the most prompt and powerful aids to the digestive organs, can relieve the disease, as it is too deep seated to yield to topical or ordinary remedies.

Several years ago, believing all alcoholic drinks to be destructive to those in health, as I now most firmly do, my opinion became known to the public; and although saying all I could in praise of temperance societies, which have tended so much to the prosperity of our country, yet I never became a member, or gave any kind of pledge; because I was under the impression that some years previously, when I drank alcohol to excess, I had urgent symptoms requiring its aid, although I used it without judgment, and probably took five times more than was requisite.

Some of the circumstances attending that clouded period are singular. When under the impression that life which was drawing to a close, from imprudence and want of discrimination, and that this daily stimulation must of necessity be continued, it being too late to retrace my steps, or withdraw this artificial support, I found myself at noon, the hour when debility and uneasiness required the commencement of alcoholic drinks, to be continued until night, not only without desire for them, but feeling perfectly well and cheerful. Apprehensive that this might be the calm, often preceding the most dreadful agitation of the nervous system, I retained these remedies within my reach for several days, but there was no necessity for the precaution, a revolution equally sudden and extraordinary had been effected. My health was re-established, I had no longer any desire for those articles, and I did not take a bottle of wine, or its equivalent of alcohol for the ensuing two years and three months.

There are certain periods of human existence, called the climacterics or crisis, which are supposed to determine the longevity of the individual.

These periods are marked by anxiety, change of temper, appetite, the affections, &c., with disturbance of the functions, particularly the natural and vital. If the person survive without any symptoms of disease of the viscera, and give evident marks of improvement, the elasticity of the constitution has prevailed, the progressive step has been made safely, and he may expect to live on to the next period, when he should not be surprised to encounter another struggle for his existence. This is sometimes called the moulting season, because observed in birds remarkable for long life, that droop, loose their feathers, and suffer depression, something resembling that sombre wintry season to which the human family is liable. The climacterics are restricted to limited portions of life, and their terms or cycles, are agreed upon in the most general way only; it is truly interesting to trace these laws of organization in our biographical reading: and more especially so to those who inquire minutely while engaged in practising medicine. It is from want of close attention to this part of physiology, that so much diversity of opinion prevails respecting the character of men. I have, beyond all doubt, passed one of these epochs or climacteries, with more or less of the symptoms accompanying my present disorder.

It may then be asked, if I have not advanced many of the reasons assigned by an ordinary inebriate for persevering in his ruinous career, by indulging in the use of intoxicating drinks, and that the cases are similar. Much analogy is admitted to exist, and the parallel may be extended very far. When without the use of alcohol or any other known agent or circumstance, we observe the instantaneous changes from a feeling of happiness and brilliancy of prospects to the utmost gloom and depression, and the reverse, pains to come and go in an instant, and more especially in the middle of the night, during profound sleep; the secretions to be changed as suddenly, in quantity and quality: excitement translated instantaneously from one region or tissue to another; a cough that has harrassed incessantly for many days, to cease entirely in the course of two hours, not to return; and when it is considered how universally the inebriate not only evades all moral obligations, but treats with contempt those of highest authority, we may mark some difference. In the former case there is for the most part, simply an increase or diminution of excitement, a rise or fall of the tide; but none other than an experienced physician should attempt to make the important distinction, as a mistake in the diagnoses might prove fatal.

But this question being determined, another presents itself; will it be proper to employ an agent simply serving to extend an artificial state of existence, when it interfered with the most healthy action of the intellectual faculties, causing more or less symptoms of mania! It cannot be answered otherwise than in the negative. If the remedy cause such disorder, it should be withheld; an ally so dangerous is not to be called to our aid, as *the soundness of the mind must be preserved.*

It is possible, and not altogether improbable, arthritic affection may have been excited or caused many years ago, by the very first acts of dissipation, which otherwise might have remained latent in the system, and its existence or constitutional susceptibility to so painful a disorder never have been suspected. Although such exciting cause is generally required to create or bring the disease into activity, yet not always, as men under all circumstances have been sufferers. Intense mental labour, without a sufficient degree of exercise, is one of the most ordinary causes.

December 12, 1837.—Since the last report of this case, I have seen nothing to induce me to believe there has been any error in giving a most candid and correct view of all the material circumstances attending it, except in this. It is there stated, that my mind had remained perfectly composed up to that period.

Subsequent experience and observation induce me to fear I flattered myself in making this remark, and that the infirmities of the body had, or have extended to the mind, without however involving the professional judgment, which has never been questioned. I stated at the time referred to, May 13th, that wine and opiates were necessary to sustain me, until some salutary revolution might take place in my constitution, or some indication be made for remedies of less questionable efficacy; wine so generally failed of late to aid me beyond the moment that I am compelled to abandon it in every shape, and to use an opiate alone, when the more urgent symptoms demand attention. The original view of this case, I still believe to be correct.

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U. S. Ship Constitution, Mahon, Dec. 11, 1837.

Sir,—I forward you the accompanying papers, handed me by Dr. Washington, whose health appears to be such as to require a medical investigation; and for that purpose, I appoint yourself, Surgeon Samuel Barrington, and Passed Assist. Surg. G. Clymer, Jr., to make a strict and careful examination of Fleet Surgeon Washington's case, and report to me its true state, and of his fitness and capacity to take at present charge of our Hospital at this place.

Very respectfully,
Your obedient servant,
J. D. ELLIOTT.
Commanding U. S. Naval Forces in the Mediterranean.

Surgeon G. R. B. Horner, U. S. Ship United States, Mahon.

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U. S. Naval Hospital, Mahon, Dec. 12, 1837.

Sir,—Agreeably to your order of the 11th inst., we have made a strict and careful examination of Fleet Surgeon Washington's case. We have found that he has for some months, been afflicted with gouty symptoms and nervous disorder, and has occasionally been delirious. At this time he is comparatively free of disease, but is much debilitated. With regard to his taking present charge of the Hospital, we think it improper, as he has frequent and sudden relapses, and is not in a fit state to perform the duties required.

Very respectfully,
Your obedient servants,
G. R. B. HORNER, Surgeon.
SAML. BARRINGTON, "
GEORGE CLYMER, Jr.,
Passed Assist. Surgeon.

Com. J. D. Elliott, comm'ing U. S. Naval Forces, Mediterranean.

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U. S. Ship Constitution, Mahon, March 18, 1837.

Sir,—Through information obtained from the 2d officer in command of this Squadron, I feel myself called upon to notice your conduct, in having exposed yourself at the gambling tables at this place, hazarding extravagant sums, in a state of ebriety requiring the aid of your brother officers belonging to the ship of the commander quoted to lead you from the scenes of disgrace.

I had thought that the mortification which you experienced last year, would have been sufficiently felt, to effectually prevent similar occurrences, on our return to this place; and that you would have manifested in your after conduct a commendable example, particularly to the junior class of officers, who look to their superiors as patterns for imitation.

Your course has, it seems, been otherwise in opposition to all my efforts to suppress the vicious excesses of the Monte tables; it is reported to me that you have frequented those haunts, from time to time, and made yourself, by intemperance and reckless play, an object of commiseration. It is also represented that after your resources had failed at the hazard table, and after unsuccessful application to the officers for assistance, including myself, you condescended as a dernier resort, to ask pecuniary aid of a common tide-waiter of the place.

This conduct on the part of one filling an important and responsible situation, one to whom I am to look for counsel and medical advice, calls for an explanation.

I can find no apology for this abuse of your station, and sacrifice of your character, nor can I imagine what plea you can possibly offer for yourself, though I should be glad to receive one.

Very respectfully,
Your obedient servant,
J. D. ELLIOTT,
Comm'ing U. S. Naval Forces in the Mediterranean.

B. Washington, Fleet Surgeon, U. S. Ship Constitution, Mahon.

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U. S. Ship Constitution, Mahon, Dec. 13, 1837.

Sir,—Being already in possession of a copy of a report which the Medical Board have made in your case, it is only left with me to offer you a passage to the United States, in the Shark; or to avail of such other as may offer at your discretion at Malaga. This I am prompted to, from a desire that you may with safety and expedition join your family, where domestic attentions will be afforded you, and I trust, under such care to a speedy restoration of your health. Should this not be agreeable to you, you can remain on shore, in care of the medical officers charged with the Hospital, and return to the United States in the first vessel which shall be going in the spring.

Very respectfully,
Your obedient servant,
J. D. ELLIOTT.

Bailey Washington, Fleet Surgeon, U. S. Ship Constitution, Mahon.

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U. S. Ship Constitution, Mahon, Dec. 12, 1837.

Sir,—You will receive the Hospital and its appurtenances, with the sick, from Surgeon Samuel Bar-

rington, and such instruction for its government which he has received; as they appear to be such as are calculated to continue its present advantages.

Fleet Surgeon Washington is there as an invalid, and as both are acquainted with the decision of the medical survey in his case, I have to request that you will act with great delicacy and kindness towards him.

This appointment to continue in force for the time which has called it forth.

Very respectfully,
Your obedient servant.
J. D. ELLIOTT,
Comm'ing U. S. Naval Forces, Mediterranean.

To Passed Assist. Surgeon Geo. Clymer, Jr., U. S. Ship Constitution.

U. S. Naval Hospital, Mahon, Dec. 13, 1837.

Sir,—I have received your letter of this morning, giving me the choice of returning to the United States in the Shark, or by leaving the Shark at Malaga, to find some other mode of conveyance at that port.

The present state of my health is too infirm to depart at such a season, and under other unfavourable circumstances; but I avail myself of the plan proposed by you, that I should remain here until the first opportunity that may offer, the commencement of spring.

For your kind wishes, please accept my acknowledgment, and I hope you may have a prosperous and happy cruise.

I have the honor to be,
Very respectfully, &c.
B. WASHINGTON,
Surgeon Fleet.

Com. J. D. Elliott, comm'ing U. S. Naval Forces, Mediterranean.

Note.—A few words more in respect to Dr. Washington. This gentleman has become an enemy upon no principle that I can conceive, but the one that I was his friend in aforetime. He has now banded himself with my persecutors, and in their honorable society I leave him. I must, however, relate one instance of his active hostility. Whilst my case was before Congress, in 1839, he in company with an officer of rank in the navy, called upon an old and valued friend in the service, and endeavored to weaken the regard it was known he entertained towards me. My friend indignantly repulsed their attempts, and declared that he knew me too long and too well to be influenced by their representations. A short time since, this faithful advocate mentioned to me their conduct, and I asked for an explanation through a brother officer, from the companion of Dr. Washington. *He denied his having ever said any thing derogatory of me.* So goes this world of ours; and so do the slanderers in it, avoid responsibility!

Note—Page 37.

Navy Department, 1*st October*, 1836.

Sir—The President of the United States is desirous that our Minister to France, the Hon. Lewis Cass, should some time during the next season visit Egypt, Syria, Turkey, Greece, and the Islands of the Archipelago, and transmit such information respecting the condition, commerce and political relations of those countries as may be useful to our government and country.

It is therefore his wish that on the application of Governor Cass you will receive him and his suite on board your ship, and with such part of your squadron as may be necessary, transport him to the countries mentioned, and back to France, at such time as may be compatible with the public interest, affording such accommodations as may enable him to effect the objects entrusted to his charge.

It is understood that this is not to warrant a charge of any extra expense to the United States; but that such extra expense is to be defrayed by Governor Cass under an arrangement to be made by him with yourself.

I am, respectfully, sir, your obedient servant,
(Signed.) M. DICKERSON.

Com. Jesse D. Elliott, com'g. U. S. Squadron, Mediterranean.

Page 46—*6th line from bottom.*

[COPY] [DUPLICATE.]

U. S. Ship Constitution,
Mahon, *Nov.* 10th, 1837.

Sir—In conformity with your instructions of the 18th October, 1836, in reference to furnishing accommodations for General Cass and suite, for the object of visiting Egypt, Syria, Turkey, Greece,

and the islands of the Archipelago, I have the honor to state that on the 22d of April, I proceeded from this port to Marseilles, at which place on the 1st of the following month, the General, family, and suite, embarked on the projected tour. They were received on board with every convenience furnishable from the cabin of a ship of war.

I have had the honor since the period last mentioned, to transmit information of our progressive course, but apprehensive from the remoteness of the places to which my communications were directed, that they failed reaching you, I here with send a concise but essential detail of our movements, from the period of the ship's departure from this port, to her present anchorage in the same.

We left Marseilles on the 1st of May, and arrived at Genoa on the 7th. On the 10th we proceeded to Leghorn, from this point passing through Pisa, and the Vale of the Arno, we reached the city of Florence, and visited the treasuries of the Arts, and the environs of the Tuscan Capital. Thence we crossed to Rome. After viewing the antiquities and interesting monuments of the ancient city, and making a short excursion to its classical Vicinities, we proceeded to Civita Vecchia, and joined the ship which was ordered to meet us at this port. At each of these places we were complimented with honorary marks of notice by all the public authorities.

At Rome, General Cass and myself, accompanied by a portion of his family, were introduced to his Holiness the Pope, and were received at the Library of the Vatican in the most cordial manner. His Holiness in testimony of regard, presented me with a medal of his own face;* the compliment was made through the hands of Prince Massimani, and accepted conditionally, reserving it to be deposited with the Department on my arrival in the United States. On the 28th we sailed from Civita Vecchia; the third day following arrived at Palermo, but were prevented visiting the shore by the quarantine regulations.

On the 2d the following month, we proceeded to Malta, where we anchored on the 5th, here we were also prohibited communication with the port, and although under the restrictions of the Health Office, were received every possible civility at the hands of Admiral Rowley, and the public functionaries of the island; exchanging salutes from ship and from shore. Sailed from Malta on the 8th, here we landed all our small pox patients, and arrived off the harbor of Athens on the 13th.

While we lay in the Bay, the King and Queen of Greece, with their corps diplomatique, and other distinguished personages visited the ship, and expressed great gratification at the honors and attention paid them. Previous to the visit of the Royal Family on board, General Cass and suite, with myself and officers of the squadron, were presented to their majesties, who received us with the utmost affability, at the Royal Palace at Athens, reciprocating civilities on shore.

The chief consequence arising from such interviews, and on such occasions, is the good feeling promoted between the highest authority of one nation and that of another, through its representatives abroad. I would here remark, that at every important point along the Grecian coast, our flag has been honored, and the American name repeated with respect.

After viewing the memorable relics of the Attic Capital, we proceeded along the coast to Eginas, thence on the 25th June, to Cape Colonna, the ancient Sunium. We landed at the promontory, and taking a short view of its pillared remains, we departed for Corinth, and anchored in the Gulf on the 27th. At this point we were joined by the General and suite, who had left the ship at Athens, making a hasty excursion through the interior of the country of Greece. We ascended the Acropolis at Corinth; from this place the General visited Sicyon, the ancient city of the Greeks, of the remotest antiquity. On the 30th anchored off Marathon, and landed for a few hours on the Plains, also at Tenedos On the 3d the following month, arrived at the mouth of the Dardanelles, next day visited Alexandria, and explored a few remains of the ruin'd city. On this occasion of our National Anniversary, the ship was dressed with two additional stars and the customary salutes fired in honor of the day.

We entered the Hellespont on the 5th; here through our Consular Agent, the Firman was furnished us to pass the Castles of the Dardanelles. Salutes were exchanged as we passed the batteries. While off Gallipoli, we fell in with an Austrian steamer, by whose assistance we were enabled for some time to make considerable progress against current and wind, and to reach Constantinople on the 15th. On our arrival, salutes were exchanged, and such other ceremonies observed, befitting the etiquette of a ship of war. In the city the plague was raging to such an alarming degree, that a guarded and limited intercourse was held with the shore, and the few articles of necessity, which were received on board, were first passed through the water, by which precaution we escaped the contagion. At a presentation to Achmet Pasha, Commander-in-Chief of the Turkish Naval Forces, he informed me that the highest satisfaction had been expressed on the part of the Sultan, on the subject of the present friendly relations between the two countries. The danger of contact with the shore, deprived us of a promised visit from his Highness, who had expressed a wish to inspect in person a first rate American ship of war.

The Pasha had been instructed by the Sultan, to say to me, that his Highness desired to invite into the employ of the Turkish Navy, such officers from among Americans, who had, through resignations or other causes, become detached from our service; to which I took occasion to remark, that those who had retired from objectionable causes would be of no use to him, or credit to ourselves—that the better course would be to invite an officer of high rank into his service, one who could bring with him his materials, and render efficient aid in the character of naval tactics.

The alarming progress of the pestilence on shore, interrupted the preparations of the Reis Effendi, who had been appointed to present us to the Sultan. I found it necessary to depart forthwith, and on the 22d left the harbor of Constantinople. I should have mentioned, that while the ship lay in the Bosphorus, the General, and myself, with a small party, made a short trip to the Black Sea. On the 24th we arrived at Tenedos, following day departed for Scio, touching at Mycone, Delos, Suda and Candia, Island of Crete; at the last mentioned place met with Mahomet Ali, exchanged salutes, but were prohibited from visiting the shore, from quarantine. On the 2d August reached Jaffa, from this point we traversed the land of Palestine, through Ramla, to Jerusalem, Bethlehem, Bethany, Jericho, to the Jordan and the Dead Sea, leaving Jerusalem, we passed through Rama, Beer, Nablous, Samaria, Genin, Nazareth, Nain, Tiberias, Capernaum, Susa, Sidnaia, Damascus, to Balbec; crossing the mountains of civil Lebanon, we encamped at the Cedars—thence to Edon, arriving at Tripoli on the 30th. From a Firman obtained at Jaffa, to facilitate our progress through the interior, I found that our approach had been anticipated, we met with numerous attention along our route, particularly at Damascus, where Sherif Pacha used every exertion to make the time acceptable to his visitors. In the remotest deserts, and among the vilest tribes, our Flag has been displayed! The one used in our excursions

* This medal was placed by me at the time in the hands of Gen. Cass, for deposite in the State Department.

through the Holy Land, and the Countries of the Far East, is herewith conveyed to the Department. On the 3d we proceeded to Beyrout; from this point, the General, with a small party, visited Sidon; from which place they made an excursion into the interior of Syria, and visited the Emir Beschir, Prince of the Druses, and Lady Hester Stanhope. Pursuing their route they arrived at Tyre, thence to St. Jean d'Acre, Kaiphia, Mt. Carmel, Cæsarea, and Jaffa, rejoining the ship at the last mentioned place. During the interval of the absence of the party, I proceeded with the ship from Beyrout to Cyprus, touching at Limasol and Larnaca, where for the first time, our Naval Flag had ever been displayed, thence to Jaffa, where the party rejoined the ship.

Previous to the embarcation of General Cass at Marseilles, I addressed a letter to Mr. Gliddon, our Consul at Alexandria, to make arrangements to obtain a Firman, which is herewith appended from Mahomet Ali that would give us those facilities usually extended to strangers travelling in these countries. This was obtained at Jaffa, as already stated.

On my arrival at Sidon in the summer of 1836, I sent an officer on shore, with respects to the Governor, about the salutes; and on asking the question, if the same number of guns would be returned, he considered it an insult, and objected at first; after an explanation on the part of the Consul, that our Government exacted it, the matter was understood, and salutes exchanged.

On my arrival at Jaffa, I despatched an officer on shore to say, with my respects to the Governor, that the salute fired was for the town. He returned for answer, that he had no guns. Some days after on my return from Jerusalem and on the eve of my departure, I was informed that he had guns, but was not disposed to exchange courtesies with a Christian. This I subsequently brought to the notice of Mahomet Ali, who assured me that he had guns, and that the salute should be returned.

On my arrival at Jaffa the present year, I sent an officer to require the salute due me by the omission of the former Governor to be returned; the Governor offered for answer, that not being in authority at that period, he could not repair the omission of his predecessor. On being informed by that officer, that the customary salute could not be tendered, he consented to repair the omission, and fired 21 guns. I then saluted the town, and was answered gun for gun.

During the interval of our excursion through the Holy Land, the ship under Commander Boerum, touched at Cæsarea, Kaipha, Tyre, Sidon, Beyrout, to Tripoli, where as before stated, the party again embarked. From this point we returned to Beyrout, thence to Cyprus. On the 11th September we re-entered the harbor of Jaffa; and on the 14th came to in the Port of Alexandria, Egypt. The General, family, myself and a few young officers, proceeded from this to Grand Cairo, visited the Pyramids at Sachara and Gezer, passing through the city of Memphis. At Alexandria we were presented to Mahomet Ali,—at Cairo, to Ibraham Pasha, both expressing every kindness, and showing every civility to us as visiters. The plague, in partial degree, threatening the inhabitants of Alexandria, we made a hasty departure from the place. Adverse winds drove us again off Cyprus, where, our provisions being short, we received a supply of bread. From this, the General and suite visited Nicosia, the Capital of the Island, Salina and other ports, receiving every hospitality at the sumptuous convent of the Grecian Archbishop. After a boisterous passage of 20 days, nearly out our last biscuit, we arrived on the 24th ult. at this port.

It affords me pleasure to add, that General Cass, and family, have professed to me to be amply gratified throughout with their interesting and extensive tour.

I have the honor to transmit copies of the General's communications to me, together with my reply, which I am happy to submit to your perusal. They embark immediately in the Frigate United States, now prepared for sea, and ready to depart for Marseilles.

The United States and Shark arrived at the above port, from their respective cruises,—the former from the lower part of the Mediterranean, touching at Malaga, Gibraltar, Tangier, Cadiz, Lisbon, Terceira, Madeira and Teneriffe. The latter from Milta, Gulf of Salonica, Palermo, Suda, and the Dardanelles. In each of these directions our flag was hoisted, and our courtesies pursued without interruption.

It is due to my successors in conducting those operations which I now have closed, to remark that the presence of so many females and civilians on board a ship of war, and for so long a period of time, requires, on the part of the Commander, in the exercise of his professional duties, a great deal of courtesy, forbearance and firmness, as well as an acquiescent disposition on the part of his guests, which I with pleasure have observed in the present instance.

I am, Sir, Very Respectfully, Your Obedient Servant,

(SIGNED.) J. D. ELLIOTT.

Commanding United States Naval Forces in the Mediterranean.

[COPY.] *Port Mahon, Nov. 3, 1837*

Sir—I have received your letter of yesterday, and thank you for the arrangements you have made for the conveyance of myself and family to Marseilles.

In taking leave of you, at the termination of their long and gratifying cruise, I cannot but express my acknowledgments for the kindness and attention you have manifested during the voyage. We have traversed a large extent of the most interesting portion of the old world, having visited Italy, Greece, Turkey, Syria, Palestine and Egypt, and having travelled in the interior of all these regions, over many of the most celebrated scenes of ancient story, besides touching at Sicily, Malta and various islands of the Archipelago, and exploring the Island of Cyprus. And this has been accomplished in the comparatively short space of six months. I doubt whether the annals of any navy can furnish an instance where more energy has been used, or where more has been accomplished in the same time. And it is truly gratifying that this has been attained without the occurrence of any untoward accident, although we have had the smallpox on board and been exposed to the plague and the cholera.

Such a result could not have been attained without the exertion of great profes

sional knowledge and of unremitting attention to every part of your command. These have already earned for you the approbation of your countrymen, and I most cheerfully bear witness to them upon this occasion.

The appearance of our national vessels in the different ports of the Mediterranean is highly useful to the public character and to the interests of commerce; and I was happy to find, wherever we went, that our flag was respected, and every attention shewn to us that we could ask or expect.

The *Constitution* seems to be every where known, and to have gained for herself abroad a reputation little inferior to that which she enjoys at home. The cruise has been of great service to me in collecting information which will hereafter be valuable; and I shall always look back to it as one of the most gratifying incidents of my life.

Allow me also to express my regard for all your officers, and to say in all sincerity, that I have never met more gentlemanly men, and that I look forward with confidence to their future advancement, satisfied it will be equally honorable to themselves and useful to their country.

The crew appeared to me contented, and efficient in the performance of their duty, and the necessary discipline was maintained with very little punishment, as I saw but one man struck during the voyage.

I am, sir, very respectfully, your obedient servant,

(Signed) LEWIS CASS.

Com. Jesse D. Elliott.

[COPY.] *U. S. Ship Constitution, Mahon, Nov.* 7, 1837.

Sir,—I this day had the honor to receive your communication, and I would thank you for the very kind and flattering remarks contained in each. I am gratified that the cruise has terminated so satisfactorily to yourself, and so agreeably to your family; confined as we have been, to the restricted limits of a ship of war's cabin at sea, and to the narrow compass of a travelling tent on shore.

I refer with the happiest recollections to the period of our first acquaintance, when under the appointments of our respective commanders, we pioneered in the army together, in its descent of 1814, into Upper Canada. I also reflect with pleasure, that our closer connexion since, on a six months' cruise in the Constitution, has but strengthened the bonds of our earlier friendship.

In army regulations, there may be seasons of relaxation in discipline, but in those of the navy, operating abroad, there can be none; here continual discipline must be maintained, to maintain the safety of the ship. It gives me pleasure to remark, that the presence of your family on board, operated in no way whatever to check or retard the military or nautical evolutions of the ship.

Permit me here to say, that I have not been an unobserving spectator of the courtesies of my officers, both senior and junior; they who submit to the wholesome rules of discipline, will ever keep in sight the etiquette of life, and will always unite the gentleman with the officer.

The valuable memorial to which you have alluded in your private note, will not be needed to keep alive the good feelings between us; but to the members of my family, who are as yet personally unacquainted with your own, it will be received as a precious tribute, and handed down as an heir-loom among their latest branches.

In taking leave, I trust we shall be able to make a report of the cruise, which will prove an essential service to the political and commercial interests of the country. Wishing you a pleasant and speedy passage in the United States to Marseilles, and an early arrival at your post in Paris,

I am, dear General,

Faithfully and truly, your friend,

(Signed) J. D. ELLIOTT,

Comm'ng U. S Naval Forces in the Mediterranean.

To his Excellency Lewis Cass,

Minister Plenipotentiary of the United States, near the Court of Versailles, &c. &c. &c.

Note—Page 54.

Navy Department,
October 18th, 1843.

Sir.—I have received the letter from Mr. Walker, which you sent to me; and in compliance with your direction to report to you the time when Commodore Elliott's sentence of suspension will expire, and to give you my opinion as to the expediency of remitting the unexpired portion of his suspension, and of restoring him to service, I have the honor to state that his sentence of suspension will terminate July 6th, 1844.

I have not had time to go minutely into this case, the documents being very voluminous, but I send you a synopsis of the charges on which he was tried and sentenced. The sentence of loss of pay was remitted by President Van Buren.

Under all the circumstances of the case—in view of the severity of the sentence—in consideration of Commodore Elliott's brave and patriotic conduct in the last war with Great Britain, and of his long and faithful services to his country, I advise the remission of the remainder of the term of his suspension, and his restoration to service.

Most respectfully, your ob't serv't,

(signed) DAVID HENSHAW.

To the President.

ADDENDA.

The world has been led to believe that I am a very Blue Beard in cruelty; and no doubt nurses, both *wet and dry*, have been *dittying* my name to their noisy charges, as of yore, that of the British Giant, who ate children for breakfast and grown men and women for dinner, was used to silence the troublesome juveniles. Without pretending to equal the Roman father, in a stern vindication of justice even upon his own offspring, I will only say, that the same measure of discipline would have been extended to my only son as that which I directed towards P. Mid. Barton, had he placed himself under like circumstances, and been subject to its exercise. But a late proceeding on the ocean, has in no small degree drawn off attention from my doings in the above case, and turned it to one, which wants a parallel in naval history! I am not now to consider the course, which the Court Martial pursued, nor the decision which was found. My remarks are in reference to the execution, upon three human beings, of a doom which never should be inflicted, but from the direst necessity and when no other remedy in the scope of human power or judgment could avail.

It is needless to remark that I refer to the execution on board the Somers, on an alledged charge of mutiny, by Capt. Mackenzie. On the first account of the melancholy affair; I thought as I still think,—that it would have been better had Mackenzie taken young Spencer into his cabin, recalled to his mind the pains his mother bore in bringing him into the world; subdued him as would a father, and thus touched his finer feelings! The boy showed a penitent spirit from the time he had been discovered in his designs, and the very fact of the obedience of the men in executing the orders of Mackenzie in hanging the poor fellows was evidence sufficient, that complete subordination was restored. Why not, if necessary, have chained or bolted him down to the deck, secured the arms, prepared for any emergency, have met it, put it down, brought him home and delivered him up to the laws of his country! Such would have been the decision and conduct of a worthy officer. But how different is the case—the poor fellow hung up to the yard! There is not the slightest doubt had a determined and decisive officer been on board, the whole difficulty would have been conquered in a commendable way—the men beat to quarters, and my life upon it, had they encountered an enemy one hour afterwards, every man would have been a hero, and a glorious victory crowned their efforts. But, alas! instead of this the heart sickens at the tragedy, and morality turns pale when beholding the gross mockery of the press, ay, and the church, in giving countenance to the deed! In Philadelphia we find a clergyman subscribing a dollar for a sword to be presented to the commander of the Somers; thus commemorating a deed than which a more cruel one can scarcely be found upon the records of human decisions.—I feel on this subject, because I have a knowledge of the difficulties which

occur on ship board. While in command in the Mediterranean, a circumstance occurred, which, no doubt, had it been on board the ill-fated Somers, might have resulted in the death of one or more men. A timid officer of the Shark, her first Lieutenant, had imagined a mutiny, and came to my ship, the Constitution, at Smyrna, about 2 o'clock at night, with a man on the lookout and himself pulling the boat. He asked an audience, but the hour being unusual, I directed him if his business was not very urgent, to come on board after breakfast. He said it was very urgent. And what do you suppose it was, my fellow countrymen? Why, to report a *mutiny* on board the little schooner Shark, which he said he believed to exist, although *anchored under my* guns, and surrounded by vessels of war from different nations.—I despatched my first Lieutenant on board with my pistols in his hand, to inquire, and he returned an answer that every man on board was asleep except the commander, who was both drunk and crazed in his cabin. I sent for him the next morning and desired to know why he sent his first Lieutenant to me. He professed his entire ignorance, and said he had come of his own accord. Being somewhat diseased in his shoulder I gave him the privilege of being relieved on a sick ticket or superceded in his command. He chose the former. I appointed my first Lieutenant to the command of the Shark and sent him on board to examine into the difficulty of the previous night. He informed me that two of the men had been insubordinate while drunk. I ordered them both on board the Constitution, inflicted what I deemed a sufficient punishment, and conformably with law; believing that they both had redeeming qualities. I kept them on board my ship, and found them to be valuable men, while I sent two others to supply their places on board the Shark, directing the commander to take in provisions, proceed on a cruise of two weeks to the island of Mytelene, communicate with the authorities, come back and report. On his return I asked him how he liked his schooner. "A noble vessel, sir." "How do you like your crew?" "A noble crew, sir." "Did you find any mutiny there?" "Oh, no sir, you whipped all that out of them." Now my friends you hear of *no imputations* on the *little Shark*, while the *Somers* is so circumstanced that you can scarcely find an officer to command her, or a crew to operate her. Like Cain she has a *mark upon her*, that is a byword and a reproach for the world, and it can never be wiped out so long as a Mackenzie lives, or her name is recollected. Feelings of charity and benevolence for a family and children, prevented my heart from proceeding against the officer I had taken from the Shark, and therefore I assigned him to the third Lieutenancy of a frigate. He appeared *constitutionally* addicted to *imagining* mutiny; for when at Mahon, and under my guns, he had called his captain up to suppress another, at the same hour of the night, and it was found that the only cause he had was a noise being made by some men, who were drunk and put in irons below decks. Being now fully impressed of his constitutional defect, I put him on shore to supervise the accounts of the hospital, in order that he might wile away his time until an opportunity offered to get him home to his family. Now, my countrymen, would you believe it! This same officer presents himself before my Court of Inquiry, under the *drag net* of "what do you know, &c. &c.," and complains that I had employed him in subordinate stations not equal with his rank; but as a thread could not be found on which censure could be sustained against me, his complaints were set aside.

These remarks are not from one who would falter on a point of duty when it should become necessary to enforce the penalty of death by sentence of a Court Martial; for, unhappily, it fell to my lot to carry out the law on one of the crew of the U. S. Ship John Adams, of my squadron in the Mediterranean. The case was novel, but attended with a cold-bloodedness which chills when it is brought to my recollection. That you may have a proper conception of it I state the case. When at Mahon, the head quarters of

my command, the John Adams, Capt. Stringham, lay off the Navy Yard, undergoing repairs. The crew being on liberty in the town of Mahon, one of them, a profligate and spendthrift, who knew a shipmate to have husbanded his money for a rainy day, prevailed on him to ramble in the country, and at an unguarded moment, seized him and with a stone knocked out his brains, buried him, returned to town, spent the money he had taken from his victim, and came to the ship. But that God who never fails to punish the guilty, deprived him of both power to eat and sleep, until nearly exhausted he went to the first Lieutenant Gardener, stating that he had murdered the missing man. Supposing him crazed he was ordered away; he returned however repeating the same, when a report of it was made to the commander. The man being called for, declared the fact, and stated that if the master at arms would go with him he would show the body. This was done and the body found. Charges were accordingly made by Capt. Stringham of murder, and a court ordered. That every chance might be had by the prisoner, I requested Thos. Wells, Esq., my secretary, to appear as his counsel. After a patient hearing of the case, sentence of death was pronounced, and the prisoner to be executed at such time and place as the commander-in-chief might think proper. I accordingly directed him to be removed on board the Constitution, bearing my penant, and placed in good and comfortable apartments, with instructions to the chaplain, Mr. Everett, to pass as much time as his other duties would allow with him. The sacrament was administered to him; and he stated his belief that he was well prepared for his fate. He did not ask pardon, but that he should die as an example to others. Returning from Rome the Holy father had directed the Cardinal at Civita Vecchio to make a sumptuous entertainment for me, who desired three days for the purpose, but being informed I was called on to embark the next morning for the purpose decreed, had his party the same day. This good man used all his efforts to obtain pardon for the prisoner, but the law being imperative, the sentence of the Court was carried out on board the John Adams the next day at 12 o'clock, at sea in presence of the whole squadron: which had a good influence upon all, and added much in strengthening and purifying the discipline of the navy. And now my countrymen, would you believe it possible that the 2,000 dollar law officer of my court martial, after exhaustgin all the materials of the Navy Department, and the wits of 130 witnessess, asked for the "black book" of the Constitution for more, and would gladly have brought the case of the execution of the seaman to bear against me if he could; and only desisted from his desire so to do after the frequent and positive assurance of my counsel that it would be of no use whatever, for it was done in direct obedience to the law governing the navy.

It may be well to note one or two other instances of the failing memory of the witnesses against me. My second in command and his first Lieutenant, in the Mediterranean, both of whom were deponents before the court, might have divulged a little more, but I will fill the vacuum. Returning from my cruise to Mahon, in the fall of '37, I found the frigate U .States on quarantine; whose commander, on inquiry by me, informed me that his cruise was not a very pleasant one. While in the harbor of Cadiz his first Lieutenant had entered his cabin with clenched, fist saying, "Capt. W., I am a vindictive man and I follow my enemy to his grave." "Well, what else!" I asked. "Why, I suspended him from duty. What shall I do?" "Charge and try him," I answered. "I will," said he. Some days after I wrote to him for the charges preparatory to proceeding; and what answer do you suppose I got? It was this: "being the only person present at the transaction, I must decline making charges; but I want the Lieut., and all others to know that I disregard their threats." Thereupon, no charges being preferred, I immediately restored the officer to his duty. Here would have been a fine field for a Court

Martial by my professing friend; but no, the question is "what do you know prejudicial to COMMODORE ELLIOTT, &c." Now, my countrymen, would you believe it, that subsequently I have been informed by an aged and estimable friend, an officer in the Navy, and for whom I had suffered almost martyrdom, that the same officer above alluded to, in the year '39, while I was contending single handed against my enemies in and out of Congress, called upon him and stated the purpose of his visit to be to place him on his guard against me as being the worst man in the navy. He was accompanied too, in this laudable visit, by the self-same fleet Surgeon, whose papers were denied me as you will see by the communication of the Secretary. Very recently through a friend, I called upon this officer for information as to the fact, demanding at the same time a *categorical* answer; when he *denied, positively, ever* having said it.

I give the following letter from the late General S. Smith, of Baltimore, who both as a Revolutionary hero, and patriotic statesman, enjoyed the esteem and respect of his countrymen, to as great an extent, as ever was the portion of any public man. He was an intimate friend of my father; and both worked together in erecting the Castle of Independence, and continued their labours until of the death of the latter terminated an intimacy, which was as near and uninterrupted as that of brothers. It was my privilege and honour to be favoured with the counsel and advice of General Smith; and in difficulty I freely sought both at his hands, and was always happy to receive evidences of a generous interest in my affairs. On his decease, a written speech was found relative to the Battle of Lake Erie; but unfortunately it was burned, as I am informed by his son General John Spear Smith, along with other papers by his Executors. The brief remarks, however, contained in the letter, sufficiently show what were his views in respect to the battle, or my conduct therein.

His observations upon printers I would recommend to all who unfortunately should ever be engaged in a controversy with them. Of course, I mean those who are connected with a partisan press. They are an irresponsible crew whose very aliment is slander, and whose only occupation is the abuse of all who do not sustain them. They are like corporate bodies and Courts Martial, without souls, and freed from punishment. Democracy and they are aliens: for they regard themselves as a privileged order, held together by the same cement, which binds tyrants and oppressors.

Copy.

BALTIMORE, 20th June, 1834.

My Dear Sir:—I find by your letter of the 16th inst. and the newspapers received yesterday, that you have an engagement with certain editors. There is but one way to get out of it, and that is, to permit them to go on; for every piece you publish gives them a new text for their paper, which is the more saleable, when it contains criticisms or abuse of those in high stations.

Men of a certain age remember what passed in their youth, but do not charge their minds with that which has lately passed. Now I have not the most distant recollection of the occurrence you allude to. I presume that Mr. Newton may recollect it—he was a much younger man. I remember that I had some conversations with you about the time you mention, but no recollection now of what they were. I remember only that I had examined the case fully, and that I was then of opinion, and am still of the same opinion, that no censure could attach to you for your conduct in the action.

I am, dear sir, your old friend,

S. SMITH.

Commodore Elliott.

It may not be inappropriate to call attention to the practice of indulging in discussions in reference to supposed defects of a brother officer's character. As early as 1819—for so the following letter will show you—this censurable conduct was

directed towards myself. You can judge of the correctness of the conclusions of an experienced officer who is known to be one of intelligence and respected by a large portion of the navy, from a perusal of the communication below.

I ask leave to say a word upon this subject, that it may have its influence upon the minds of the junior officers of the service, among whom the *esprit de corps* in this particular should be ever active. The time has been when the cause of one became the cause of all; and when one member was assailed, that he was sure to have an advocate present. How sadly reversed is the case now! A parent receives his son at the close of a cruize, and the favorite of the domestic circle, often from a thoughtless disposition, indulges in animadversion or censure upon his commander. Thus, through an interchange of social feeling, the community becomes his defamer.

These few remarks will not be considered out of place here, for I perceive that the facility of intercourse between the seaboard and mountains has brought together a portion of the young gentlemen of our navy and the good and charming ladies of this delightful region; and that they have bound themselves by the only *bonds which republicans know*—those of holy matrimony! May Heaven bless you, my dear friends, and may these bonds embrace as many *responsibilities* and dear pledges as Napoleon desired Madame De Stael to possess! My old friend, Gen. W., will understand my invocation, when I beg him to remember that after his two grandchildren can be relieved from the judicious care of their amiable mother, that I claim them for my country, assured that they have the truly noble blood in their veins to make them heroes.

Norfolk, August 23, 1819

Dear Sir—It was with no less surprise than regret, that I learnt you were informed that I had evinced a disposition to injure your fame in the action of Lake Erie. As I have no personal knowledge of that affair, motives of delicacy would prevent my interference. The transaction has frequently been the subject of conversation abroad, amongst our mutual friends, and it grew out of the unfortunate difference between you and Captain Perry. Various rumors and relations have been afloat, that probably were never heard of, by either of you. I have uniformly lamented the difference, and have so expressed myself, and added, that it was impolitic, injurious to the parties and the service generally, and ought to be buried in oblivion; but I could trace no motive in assailing your reputation; you never crossed my path, thwarted my views, or has any ill-will existed between us, that I am aware of.

Many of our mutual enemies would probably rejoice to see us at variance, but I trust they will be disappointed—for of all the strange rumors that reached us abroad, scarcely one has proved true, and I am persuaded they must have been got up, either in malevolence or idleness. I feel assured that the honours you have received from your countrymen, were justly earned, and will be honourably sustained.

With respect and regard,
I am, dear sir, your obedient servant,
WM. CRANE

To Capt. J. D. Elliott, of the Navy.

The following is a list of the articles imported by me, and presented to the different Scientific and Literary Institutions, in the United States. When handed to the Court Martial *it was not received;* although the members were to decide as to my using public stores, &c. &c! I will not dwell upon such *justice;* it speaks for itself. A partial glance over the catalogue will show that their estimated value of twelve thousand dollars, is not exorbitant And yet such was the determination to ruin me, that the testimony of a witness, that nine hundred brads were used in making a model of the Holy Sepulchre, was received, when a disinterested individual, a cabinet maker, swore that there could not have been fifty!

Articles presented by Commodore Elliott, to

1. *The Girard College:*

A Roman Sarcophagus, weighing about 3,500 pounds.—A Cabinet of gold, silver, and other metallic coins.—Four boxes of antiquities collected in Palestine and Syria.—A limb of one of the cedars of Lebanon.

2. *Dickinson College:*

A cabinet of ancient coins.—Other antiquities from Palestine and Syria, Corinth, Athens Crete, &c.:

3. *Washington College:*

A collection of ancient coins.

4. *Jefferson College*
A capital of a column obtained in Cæsaria.
5. *Princeton College:*
A collection of ancient coins.—A specimen of the marble from Alexandria Troas, and Cæsaria Palestine.
6. *Cambridge College: Mass.*
Some specimens of marble from Cæsaria Palestine, Alexandria, Troas.
7. *Williams' College:*
A capital of a column from Cæsaria Palestine.
8. *Dartmouth College:*
A collection of ancient coins
9. *Kenyon College:*
A collection of coins and a piece of a column from Alexandria Troas and Cæsaria Palestine.
10. *College in Missouri:*
A collection of coins.
11. *Transylvania College:*
A collection of ancient coins.
12. *The Medical College at Baltimore.*
A Mummy, disinterred at Memphis, Egypt.—A curbstone of a well, from Cæsaria Palestine.—A marble sill from the Temple of Minerva on the plains of Troy, and a column from Cæsaria Palestine.
13. *The Charlottesville University:*
Two marble balls obtained at the Dardanelles, about eight feet in circumference.—A marble head of Bacchus from Tyre, Syria.—A Vase fished up at the point where the battle of Actium was fought between Cæsar and Pompey.—A large marble column, removed from Alexandria Troas.—An Eagle made from a piece of marble removed from Minerva Somnes, Greece.
14. *William and Mary College:*
An Ibis.—A column removed from plains of Troy.
15. *The Baltimore Cathedral:*
A painting representing the Illumination at St. Peter's and St. Angela
16. *The College at Georgetown:*
Casts of the Popes.
17. *Prospect Hill, N. Carolina:*
A column from Marathon.
18. *The Literary and Philosophical Society at Charleston, S. C.*
A collection of ancient coins.
19. *To the Navy Department or Government:*
Two colossal balls from the Dardanelles.—A Sarcophagus from Beyroot, Syria
20. *American Antiquarian Society of Worcester, Massachusetts.*
A parcel of ancient coins.
21. *The Legislature of Pennsylvania:*
A copy of an original painting of Columbus and Vespuccius.—An Eagle made from marble removed from Alexandria Troas.

The Animals brought home were disposed of as follows:

1. *A Jack:*—in possession of the Honorable John Forsyth, sent to Georgia, to propagate, on shares.
2. *A Maltese Jenny:*—Sent to Mr. Hubbs' plantation, Tennessee.
3. *A Jack:*—Sent to Elizabeth city, Virginia, to propagate, on shares.
4. *A Jack:*—Sent to Dauphin county, Pa., to Charles Carson and John C. M'Allister—owned jointly by Com. Elliott and Thomas B Jacobs.
5. *A Malta Jack and a large bay Arabian Horse:*—Sent to James A. Gallagher, to propagate in the counties of Cumberland, Franklin and Dauphin, Pennsylvania, and belonging to Com Elliott.
6. *Three Andalusian Hogs.—Two broad-tailed Syrian Sheep—Minorca Chickens*, Grain, Grass and Garden Seed.—Sent to Mr. T. B Jacobs, Lancaster county, Pa.
7. *One Minorca Jack.*—Sent to propagate in Lancaster county, Penn., and belonging to Com. Elliott and T. B. Jacobs.
8. *One Superior Arabian Mare:*—Presented to Mrs. Jacobs.
9. *Four Arabian Mares, One Andalusian and Three Arabian Colts:*—Sent to Mr. John T Barr, State of Missouri, belonging to Com. Elliot, and propagating on shares.

Certified Proceedings of Court of Inquiry held in the year 1815.

A.

UNITED STATES' SLOOP ONTARIO, New York, 16th April, 1815

Sir,—In a conversation with some of the officers of the service, I am informed that in consequence of an opinion formed by a Court of Inquiry on the loss of the British fleet on Lake Erie, on the 10th September, 1813, my vessel, the Niagara, is reflected on by some who are inimical to our service. I wish it understood that early after the action, I applied to the Navy Department for an investigation into the facts of the action. It was not granted. Justice to myself, friends, and the service I have the honor to belong to, compels me to ask that the Court at present inquiring into the losses of the President, Frolic, and Rattlesnake, may be instructed to inform the country of the part I bore in the action of the 10th September, 1813, and whether or not, did the Niagara attempt to make her escape from the enemy (as stated by the British court.) A large number of the officers that were on board the fleet, are at present in this squadron; the investigation will require but a day or two, and I presume will not delay the sailing of the squadron.

I have the honor to be, with great respect, Sir, your obedient servant,

J. D. ELLIOTT.

Official Letter of Com. Perry relative to Battle of Lake Erie.

B.

U. S. SCHOONER ARIEL, Put-in-Bay, 13th September, 1813.

Sir,—In my last I informed you, that we had captured the enemy's fleet on this lake. I have now the honor to give you the most important particulars of the action. On the morning of the 10th inst. at sun-rise, they were discovered from Put-in-Bay, where I lay at anchor with the squadron under my command. We got under weigh, the wind light at S. W. and stood for them. At 10 A. M. the wind hauled to S. E. and brought us to windward; formed the line and brought up. At 15 minutes before 12, the enemy commenced firing; at 5 minutes before 12, the action commenced on our part. Finding their fire very destructive, owing to their long guns, and its being mostly directed to the Lawrence, I made sail, and directed the other vessels to follow, for the purpose of closing with the enemy. Every brace and bow line being shot away, she became unmanageable, notwithstanding the great exertions of the Sailing Master. In this situation she sustained the action upwards of two hours, within cannister distance, until every gun was rendered useless, and a greater part of the crew either killed or wounded. Finding she could no longer annoy the enemy, I left her in charge of Lt. Yarnall, who, I was convinced, from the bravery already displayed by him, would do what would comport with the honor of the flag. At half-past 2, the wind springing up, Captain Elliott was enabled to bring his vessel, the Niagara, gallantly into close action; I immediately went on board of her, when he anticipated my wish by volunteering to bring the schooners, which had been kept astern by the lightness of the wind, into close action. It was with unspeakable pain that I saw, soon after I got on board the Niagara, the flag of the Lawrence come down, although I was perfectly sensible that she had been defended to the last, and that to have continued to make a show of resistance would have been a wanton sacrifice of the remains of her brave crew. But the enemy was not able to take possession of her, and circumstances soon permitted her flag again to be hoisted. At 45 minutes past two, the signal was made for "close action." The Niagara being very little injured, I determined to pass through the enemy's line, bore up and passed ahead of their two ships and a brig, giving a raking fire to them from the starboard guns and to a large schooner and sloop, from the larboard side, at half pistol shot distance. The smaller vessels at this time having got within grape and cannister distance, under the direction of Capt. Elliott, and keeping up a well directed fire, the two ships, a brig, and a schooner surrendered, a schooner and sloop making a vain attempt to escape.

Those officers and men who were immediately under my observation evinced the greatest gallantry, and I have no doubt that all others conducted themselves as became American officers and seamen. Lieut. Yarnall, first of the Lawrence, although several times wounded, refused to quit the deck. Midshipman Forrest, (doing duty as lieutenant) and Sailing Master Taylor were of great assistance to me. I have great pain in stating to you the death of Lieut. Brooke of the marines, and Midshipman Laub, both of the Lawrence, and Midshipman John Clark, of the Scorpion; they were valuable officers.—Mr. Hambleton, Purser, who volunteered his services on deck, was severely wounded late in the action. Midshipman Claxton and Swartwout, of the Lawrence, were severely wounded. On board the Niagara, Lieuts. Smith and Edwards, and Midshipman Webster, (doing duty as Sailing Master,) behaved in a very handsome manner. Capt. Brevoort, of the army, who acted as a volunteer in the capacity of a marine officer on board that vessel, is an excellent and brave officer, and with his musketry, did great execution. Lieut. Turner, commanding the Caledonia, brought that vessel into action in the most able manner, and is an officer that in all situations may be relied upon. The Ariel, Lt. Packet, and Scorpion, Sailing Master Champlin, were enabled to get early into the action, and were of great service. Capt Elliott speaks in the highest terms of Mr. Magrath, Purser, who had been despatched in a boat on service, previous to my getting on board the Niagara; and, being a seaman, since the action has rendered essential service in taking charge of one of the prizes. Of Capt. Elliott, already so well known to the government, it would be almost superfluous to speak. In this action he evinced his characteristic bravery and judgment, and since the close of the action, has given me the most able and essential assistance.

I have the honor to enclose you a return of the killed and wounded, together with a statement of the relative force of the squadrons. The Capt. and First Lieut. of the Queen Charlotte, and First Lieut, of the Detroit, were killed. Capt. Barclay, senior officer, and the commander of the Lady Prevost, severely wounded. Their loss in killed and wounded, I have not yet been able to ascertain; it must however, have been very great.

Very respectfully, I have the honor to be,
Sir, your obedient servant,

O. H. PERRY.

The Hon. Wm. Jones,
Secretary of the Navy.

C

Navy Department, April, 1815

Sir,—The Court of Inquiry, now sitting at New York, is ordered to proceed immediately to the investigation requested by your letter of the 15th inst.

I am, very respectfully, your obedient servant,
B. W. CROWNINSHIELD.

Capt. Jesse D. Elliott, Sloop Ontario, New York.

D

Navy Department, April 20th, 1815

Sir,—It has been stated to this Department, that by the proceedings of a Court of Inquiry in Great Britain, ordered to investigate the causes of the loss of the British fleet on Lake Erie, on the 10th of September, 1813, the conduct of Capt. Jesse D. Elliott of the United States Navy, who commanded the brig Niagara on that day, is *misrepresented*.—Justice to the reputation of Capt. Elliott, and to the Navy of the United States, requires that a true statement of the facts in relation to his conduct on that occasion be exhibited to the world. The Court, therefore, of which you are president, will immediately proceed to inquire into the same, to ascertain the part he sustained in the action of that day, and report its opinion thereon to this Department.

I am, respectfully, your obedient servant,
B. W. CROWNINSHIELD.

Com. Alexander Murray, New York.

B.—4.

APRIL 24th, 1815 *The Court met in pursuance of the foregoing Orders.*

PRESENT

Com. MURRAY, President. Capt Evans, } Members.
HENRY WHEATON, Esq., Judge Advocate. Lt. Com't Rogers, }

The Court being duly sworn, (together with the Judge Advocate) proceeded to inquire into the facts relative to the conduct of Capt. Elliott in the action of the 10th Sept. 1813, on Lake Erie.

Lieut. NELSON WEBSTER, late Sailing Master of the Niagara, was sworn.

Question by the Court.—Having seen and read Capt. Perry's official account of the action of the 10th Sept. 1813, on Lake Erie, please to state whether it contains a correct statement of facts?

Answer. I believe it does

Question. By the Judge Advocate.—What further do you know respecting the subject matter of this inquiry?

Answer. Just at daylight, on the 10th Sept. 1813, we were in Put-in-Bay, and discovered the enemy's fleet. A signal was made by Capt. Perry, and we immediately got under weigh, and beat out of the bay—the wind ahead. After we got out, the wind being light; it shifted, which gave us the weather gage. We made sail in pursuit, and a signal was made for each vessel to take its station. The Lawrence led the van, the Caledonia next, and then the Niagara, in close order. The small vessels were astern. The enemy commenced his fire upon the headmost vessel at 15 m. before noon, which the Lawrence returned at about noon, at the distance of one mile and a half from the enemy. Captain Elliott directed me to commence from my division with a long 12. Soon after, we fired one or two broadsides from the carronades. Capt. Elliott directed us to cease firing the carronades, as the shot fell short, and to continue firing the long gun. The enemy were principally directing their fire at this moment, against the Lawrence. We were using every exertion to get down. The wind was light. It was half past 12, that we commenced firing our carronades, at long gun-shot distance, and we being to windward, were continually nearing the enemy. We continued the action with light winds, continually bearing down in our station, until about 2 o'clock; when the Lawrence was disabled. Previous to that, Capt. Elliott directed the Caledonia to bear up and give him room to close with the Lawrence. The Caledonia dropped to leeward of us, and the Lawrence dropped out of the line, nearly at one and the same time. The wind sprang up, and Capt. Elliott made sail to close with their headmost ship. After we got into close action, I was knocked down, and carried below. When I came on deck again, found Capt. Perry on board. Capt. Elliott was in the gun boats, and the action still continuing. In about 25 minutes afterwards the enemy struck.

Question by the Court. What was the force of our squadron, as to size of vessels, description, number of guns, and men?

A. It consisted of the brig Lawrence of 20 guns, 18 32 pound carronades, and 2 long 12's; the brig Niagara of 20 guns of the same description and about 150 men, of which not more than 120 were fit for duty—she was not well manned, as she had 20 militiamen and about 30 soldiers, and a great number of blacks, only one of whom was a seamen; the brig Caledonia of three guns, long 12's or 18's; the schooner Somers of 2 guns; schooner Ariel of 3 guns, one of which burst in the action—I do not remember the Scorpion's force; the schooner Tigress of 1 gun, a long 32 pounder; the Porcupine and Trippe, same. I did not consider the vessels so well manned as our vessels generally are on the ocean.

Q. What was the enemy's force?

A. In close action they were not superior to us, in my opinion; but from the lightness of the wind, the situation of the fleets, and the enemy's having long guns, I considered them superior.

Q. Did the enemy's vessels appear to be as badly manned as represented to the British Court Martial before whom Captain Barclay was tried?

A. The statement given before that Court I consider to be false. I infer it from the appearance of the Detroit after the action. I saw 60 wounded men on board her which I believe to have been seamen. I believe the enemy had more than the number of British seamen stated.

Q. What command had Capt. Elliott in the action?

A. He had command of the Niagara.

Q. Did he do all in his power to gain a nearer position? and when Capt. Perry went on board the Niagara, did you see any thing in Capt. Elliott's conduct that indicated an intention on his part to make sail from the enemy?

A. He did all in his power to gain a nearer position. I never observed any intention on his part to make sail from the enemy; on the contrary, I noted in him a disposition to get in as close action as possible

Q. Did you believe that Capt. Elliott did every thing that a brave and meritorious officer should have done, in the action?

A. Yes.

Q. Have you heard any officer make any remarks derogatory to his character or conduct on the 10th of Sept.?

A. No.

Q. by Capt. Elliott—Did the Niagara at any time, during the action, attempt to make off from the British fleet?

A. No.

Q. What was the distance from the Lawrence to the Niagara, when the firing commenced from the enemy?

A. There was the intervening space of the Caledonia, the three vessels being in close order.

Q What was the situation of both fleets when the action commenced on our part? and what time did I order the Caledonia out of the line? and how soon after did I place my vessel a-head of the Lawrence? and what appeared to be the situation of the British fleet?

A. We were in a line a-head, endeavoring to get down upon the enemy as fast as possible, abaft the enemy's beam, with the wind nearly a beam. It was a little after the middle of the action that the Caledonia was ordered out of the line. The Lawrence was dropping astern, and we shooting a-head. We had got into pretty close action before I went below. The British fleet was in close order, and I think had no spars shot away.

Q. Was not my helm up, and the Niagara standing directly for the enemy's fleet, when Capt. Perry came on board?

A. I was below and cannot say.

Q What was the situation of the gun boats when I left the Niagara, and how where they disposed of when I reached the head of the enemy's line with them?

A. Just before I went below, they were a long way a-stern. When I came on deck, I observed the gun boat Capt. Elliott was in had got nearly to the head of the enemy's line; and he was in very close action, directing the fire of the boats at the enemy's ships.

Q. How did the Lawrence bear of the Niagara when Capt. Perry came on board, and what distance was she from the Niagara?

A. I was not on deck, and before I went below the Lawrence was rather on our leeward quarter.

B.—5.

Lieut. YARNALL, late first Lieutenant of the Lawrence, was sworn.

Q. Do's Captain Perry's official account of the action of the 10th September contain a correct statement of the facts?

A. I think generally as to what I could see it is correct, except as to the statement in page 2d, line 12th, of the Niagara being brought into close action. I believe the Niagara was three quarters of a mile astern of the Lawrence; and when she passed us to windward at the time Com. Perry took possession of her, she was half a mile off on our weather bow. This was about 2 hours and 18 minutes after the action commenced; I expressed my surprise to Capt. Perry on observing the Niagara in that situation, and after the Lawrence was disabled, he left her in my possession and went on board the Niagara.

Q. What further do you know relative to the subject of this inquiry?

A. In the morning of the 10th Sept. we discovered the enemy's squadron and got under weigh; stood out past the Islands. The wind veered, and became favorable soon after we passed one of the Islands. Within about three miles of the enemy, Capt. Elliott, in the Niagara, bore down and spoke Capt. Perry. Capt. Elliott fell into the line next to the Caledonia. The Detroit commenced the action by firing a long 24 pounder. Capt. Perry directed me to hail the Scorpion, for the purpose of engaging the enemy, and at the same time to commence our fire with a 12 pounder on the forecastle. A few minutes afterwards we commenced a fire with the carronades. It having been enquired of me whether they told or not, and I answering in the negative, Capt. Perry ordered the helm to be put up and bore down upon the enemy. The Caledonia and Scorpion engaged. We ran down and came within about half musket shot, exposed to the whole of the enemy's fire at first, and afterwards to that of four of his vessels, the Chippeway, Detroit, Hunter, and Queen Charlotte. We lay opposite the Hunter, and the Queen Charlotte was astern of the Hunter. Our first division was fought against the Detroit, the second against the Queen Charlotte, and occasionally guns at the Hunter. At several periods during the contest, I expressed my surprise that the Niagara was not brought into close action. The crew also expressed their surprise, but were encouraged by the officers to fight on till she should come down and take a part with us. I observed the Niagara firing a distant fire, (I suppose three quarters of a mile off) at the enemy's smaller vessels, the Lady Prevost and others. It was two hours and 18 minutes after the action commenced, that Com. Perry said to me, "I leave you to surrender the vessel to the enemy." At this time we could not fight a single gun. He left us. After he got in the boat, he observed that he would leave it discretionary to me, either to surrender or receive the enemy's fire. I called on Mr. Taylor, and Mr. Forrest, who were on deck, to know their opinion—they told me it was useless to sacrifice any more men, as we were unable to sustain the action any longer. The colors were consequently struck. Immediately on Com. Perry's arrival on board the Niagara, he made sail and bore down—broke the enemy's line, and the action was decided in about 15 or 20 minutes, except as to two of the enemy's vessels, which attempted to escape but were pursued.

Q. What was the force of our squadron?

A. The Lawrence and the Niagara of 20 guns each, eighteen 32 pound carronades, and two long 12's. The Caledonia had two or three guns on circles. The Ariel had 3, the Scorpion had 2 guns—one a 12, and the other an 18 or 24 pounder. The rest one gun each. The Lawrence had 131 men and boys of every description, of which 103 were fit for duty. The squadron had but few seamen—we had about 30 marines, and some militia men.

Q. What command had Captain Elliott in the action?

A. He commanded the Niagara.

Q. How near was he to the enemy when the act on commenced?

A. About a mile and a half or two miles.

Q. Do you believe Captain Elliott did every thing a brave and meritorious officer should have done in the action?

A. I am under the belief that the Niagara could have been brought into closer action. The same wind which would bring the Lawrence into action would likewise bring the Niagara into action. The main-topsail of the Lawrence was laying to the mast, foresail hauled up, and top-gallant sail furled. I think the Niagara had her main topsail also to the mast, that is, while she was a-stern

Q. by Capt. Elliott—Did the Niagara, at any time during the action, attempt to make off from the British fleet?

A. No.

Q. What was the distance from the Lawrence to the Niagara, when the firing commenced from the enemy?

A. A quarter of a mile.

Q. What was the situation of the gun boats when I left the Niagara, and how were they disposed of when I reached the head of the enemy's line with them?

A. The gun boats generally were a-stern and to windward. I saw Capt Elliott on board one of them, and they were coming into action. They were very much scattered, but all bearing down into action.

Q. What was the established order of the battle, and is the sketch now shown you a correct one?

A. The sketch is correct.

Q. What were the observations of Lieuts. Turner and Holdup, when speaking to you of the action?

A. They expressed their disapprobation and surprise that the Niagara was not brought into action.

Q. When I was passing the Lawrence in the boat, did you not come to the gang-way, and ask me to bring the boat along side, as you were sinking?

A. No.

Q. Did you not on the return of the fleet to Erie, discovering that there was an altercation between Captains Perry and Elliott, meet Midshipman Page on the beach, and say to him that there was the deuce to pay about the action, but that as for your part, you had always given each of those officers an equal share of credit?

A. No. I do not recollect having any conversation with the young gentleman alluded to.

Q. How was the wind from the beginning to the end of the action?

A. I do not precisely recollect. I suppose a vessel might go two knots.

Q. by the Court—In the general surprise which you state was expressed, that the Niagara did not close faster into action, did you make any allowance for the lightness of the wind?

A. In my former answers I have made allowances for the wind and the existing state of things.

Q. Was there any difference in the force of the wind, from the commencement of the action until the time when Capt. Perry came on board the Niagara?

A. The wind freshened. About the time he left the Lawrence, there was more wind than there had been.

The Court adjourned to to-morrow morning at half past nine o'clock.

April 25th, 1815.

The Court met pursuant to adjournment—Present, Commodore Alex. Murray, Com. J. Evans, Commander Geo. W. Rodgers. H. Wheaton, Esq., Judge Advocate.

Lieut. Webster was re-examined.

Question by the Judge Advocate—When was it that Capt. Elliott bore down to speak to Capt. Perry? and what passed?

A. At about 10 o'clock in the morning, Capt. Elliott called all hands aft, and requested Com. Perry to show his boys his flag, when Com. Perry hoisted a flag with the motto on it of *Don't give up the ship*. Capt. Elliott told his crew to read it, and explained to them what was on the flag, and told them to swear within themselves that this flag should never come down, observing that these were the dying words of Lawrence.

Q. What was the established order of battle?

A. The original order of sailing was for the Niagara to lead the van. I afterwards learned that, in consequence of the enemy's forming differently from what was expected, we changed our order of battle, which brought us into the situation I stated yesterday.

Q. When was this change made, and how?

A. The signal which I saw was made after the Commodore's flag (above mentioned,) was hoisted, I think. This was the first forming of the line.

Q. Is the sketch now shown you a correct view of the manner in which the line was formed?

A. It is.

Q. By Capt. Elliott—How far was the Caledonia from the Niagara, from the commencement of the enemy's fire until I ordered her out of the line?

A. She was as close as she could be with safety, and I recollect once backing topsail to prevent running into her.

Q. By the Court—How long time elapsed between the Lawrence commencing the action, and the Niagara's engaging?

A. I should say 10 minutes.

Q. By Capt. Elliott—What was the distance from the Lawrence to the Niagara, from the commencement of the action until I ordered the Caledonia out of the line? and did not the enemy's shot take effect in a few minutes after the firing began, upon the Niagara's spars and rigging?

A. At no time during that period were they more than 200 yards apart. The enemy's shot took effect very soon, and shot away one of the fore-top-mast back-stays.

Q. Did not the enemy's fire appear to be directed at the Niagara's spars and rigging?

A. I think it was.

Q. What distance was I from the Lawrence when I passed her, gaining the head of the line?

A. It did not, in my opinion, exceed thirty yards.

Q. Just before you were wounded, what was the relative position of the Lawrence and Niagara?

A. The Lawrence was a little on our larboard or weather quarter. This placed us nearer the enemy than the Lawrence.

Q. What damage did the Niagara sustain in the action?

A. Our main-stay, fore-top-mast back-stays, a great deal of running rigging, and two shrouds of our fore-rigging, were shot away. Some of our spars were wounded. There were two men killed from my division, before I went below, and a number of men wounded on board.

Q. Was the Niagara, at any time during the action, from half to three quarters of a mile on the weather bow of the Lawrence after I ordered the Caledonia out of the line?

A. She was not. I wish also to correct my evidence of yesterday, by adding that the Ariel and the Scorpion were on the weather bow of the Lawrence.

Q. Did you observe the enemy's ship Queen Charlotte bear up and run away from the Niagara? and if so, when?

A. She did bear up from the Niagara's fire, in about half an hour after the Niagara commenced firing.

Mr. Montgomery, Midshipman, late of the Niagara, was sworn.

Q. Where was your station on board?

A. In the first division, commanded by Lieut. Edwards.

Q. Does Com. Perry's official letter contain a correct statement of facts, as you know or believe?

A. Yes.

Q. State what you know relative to the matter of this inquiry?

A. In the commencement of the action, the Niagara took a position astern of the Caledonia, in close line, agreeable to a signal made by Com. Perry.—Capt. Elliott, observing that the enemy fired principally at the Lawrence, ordered Mr. Turner to keep away, so as to enable us to support the Commodore, by taking a position astern of the Lawrence. The Caledonia took her station astern of the Niagara, and continued there during the action. The lightness of the wind prevented our getting as close to the Lawrence as it was supposed we intended. Capt. Elliott, observing that the carronade shot fell short, ordered them to fire from the long guns only. When the Lawrence was disabled, a breeze sprung up; we passed her in company with the Caledonia, to windward, at about 25 yards distance. The Caledonia was then astern of us. We took a position which brought the Lawrence nearly astern of us on the lee-quarter. Capt Elliott ordered us to make sail, and we had boarded the fore-tack and were in the act of setting top-gallant sails, before Com. Perry came on board. I observed him come over the weather gangway of the Lawrence, get into a boat and pass under the Niagara's stern. I went aft and reported it to Capt. Elliott, who was then standing on the taffrel. Capt. Elliott met Com. Perry at the weather gang-way, and shook hands with him. Some conversation passed which I did not hear. Capt. Elliott soon disappeared, and I did not see him afterwards till the end of the action. When Com. Perry came on board, we were firing all our starboard guns; we bore down in company with the Caledonia, and directed our fire principally at the Detroit. The enemy's line was compact after the Lawrence struck. In about 15 minutes after Com. Perry came on board, the Detroit struck, and the Queen Charlotte a few minutes after. The Lady Prevost was then about 40 or 50 yards from the Niagara's lee-bow. The marines were ordered to discharge their muskets from our fore-castle, at the Lady Prevost. After the second discharge of musketry, she struck. I think the Hunter struck before Capt. Elliott left the brig.

Q. By the Court—Did Capt. Elliott do all in his power to gain a near position?

A. Yes. We were bearing down upon the enemy before Com. Perry came on board; we had kept up an incessant fire from our carronades some time before Com. Perry came on board.

Q. Do you believe Capt. Elliott did every thing he ought in duty to do in the action, as a brave and meritorious officer?

A. Yes; and heard him express to the crew his intention of bringing us into as close action as possible.

Q. By Capt. Elliott—Did the Niagara, at any time during the action, attempt to make her escape from the British fleet?

A. No.

Q. What was the distance from the Lawrence to the Niagara, when the enemy's fire commenced? and what distance was the Lawrence, Caledonia, and Niagara, from the enemy's fleet?

A. We were as close to the Caledonia as we could form the line. The distance between the Caledonia and the Lawrence I cannot state; the three vessels were not within carronade distance of the enemy, but at long gun-shot when the enemy's fire commenced.

Q. What was the distance from the Lawrence to the Niagara when we commenced our fire? and what distance was each of those vessels from the enemy's fleet?

A. The distance was at that time from 150 to 200 yards; the two vessels were at long gun-shot. The second or third shot fired from the enemy cut away two starboard fore-top-mast back-stays, and fell about thirty yards to windward of us.

Q. What was the distance from the Lawrence to the Caledonia, and from the Caledonia to the Niagara? and what distance was each of those vessels from the enemy's fleet, when I ordered the Caledonia to bear up and let me pass her?

A. The Lawrence was at that time 80 or 90 yards from the Caledonia, and the flying gib-boom of the Niagara was nearly over the taffrel of the Caledonia. The three brigs were still at long gun-shot from the enemy.

Q. When I ordered the Caledonia to bear up, where did I place the Niagara? and where was she when Com. Perry came on board?

A. Capt. Elliott placed his vessel astern of the Lawrence, and when Com. Perry came on board, the Niagara was ahead of the Lawrence, standing down on the enemy. The Caledonia was ordered out of the line about 10 minutes after the commencement of the action, and we passed the Lawrence at half past 2 o'clock.

Q. When Com. Perry came on board the Niagara, did he not find her helm up, and that vessel standing direct for the enemy's ship Detroit?

A. We were standing for the enemy, whose line was in compact order.

Q. What was the situation of the gun boats when I left the Niagara? and how were they disposed of when brought to the head of the enemy's line?

A. When Capt. Elliott left the Niagara, they were all astern of us. We had passed the Scorpion and Ariel. When Com. Perry came on board, they were all astern, except that I do not recollect whether the Scorpion and Ariel were to windward or astern.

Q. When I hailed the gun boats, did I not order them to make sail and keep close under my stern?

A. I heard Capt. Elliott hail the Porcupine, and order her to take a position close under our stern, at the commencement of the action. The Scorpion was a-head, and the Ariel on the weather bow of the Lawrence.

Q. What was the established order of battle, and is the sketch now shown you a correct view of the situation of both fleets at the times stated?

A. In the commencement of the action, the Scorpion was the headmost vessel, the Lawrence next, and the Ariel on the weather bow of the Lawrence: the Niagara astern of the Caledonia. The two lines are correctly stated in the sketch, excepting that the enemy's schooner Chippewa took her position

a-head of the Detroit after the commencement of the action, I presume in order to support the British Commodore, and to engage the small vessels at the head of our line.

Q. When Com. Perry came on board the Niagara, was she half a mile on the weather bow of the Lawrence?

A. No. She was nearly a-head of the Lawrence, a little on the weather bow, perhaps 150 yards.

Q. Did the Lawrence and Caledonia, at any time in the action, bear up, and leave the Niagara with her main-stoss at a back, or leave her on a wind?

A. Until the Caledonia changed her position, the Niagara was in close order with her. The Lawrence and Caledonia did not bear up, and leave the Niagara, as interrogated.

Q. By the Court—At what stage of the action did the Niagara get within musket shot of the enemy?

A. After the Lawrence was disabled.

Q. By Capt. Elliott—Did Captain Elliott or Captain Perry bring the Niagara into close action?

A. The Niagara had closed with the enemy some time before Capt. Perry came on board.

Q. Did not the wind die away almost to a calm when the action was pretty well on?

A. In a very short time after the commencement of the action, it died away, and it continued nearly calm until about the time the Lawrence was disabled.

Q. Did the enemy's ship Queen Charlotte bear up to avoid the Niagara's fire? and if so, at what time?

A. Yes; before the Lawrence was disabled, she bore up and ran foul of the Detroit, on the ship's lee quarter.

Q. By the Court—Did the Niagara bear down and speak Com. Perry before the action, and if so, what passed?

A. Captain Elliott spoke Capt. Perry while we were passing to leeward. Captain Elliott mentioned to his crew that it was the Commodore's intention to bring the enemy to close action immediately. He told them it was probable we should receive one or two raking fires from the enemy, and advised them to receive it with coolness and not be alarmed. He observed that we should not commence firing until within musket shot distance, and then, if every man did his duty, we should flog them in ten minutes. He then ordered them to their quarters.

Mr. Adams, late Midshipman of the Niagara, was sworn.

Q. Do you believe Capt. Perry's official account to be correct?

A. I think it is.

Q. Did the Niagara at any time during the action attempt to make off from the British fleet?

A. No.

Q. What was the distance from the Lawrence to the Niagara, when the enemy's fire commenced, and what distance were the Lawrence, Caledonia and Niagara from the enemy?

A. I should say the distance was 30 or 40 yards between the Lawrence and Niagara. The three vessels were about half or three quarters of a mile from the enemy.

Q. What was the distance from the Lawrence to the Caledonia, and from the Caledonia to the Niagara, and what distance were those vessels from the enemy when I ordered the Caledonia to bear up and let me pass her?

A. The distance was not more than 20 yards from the Lawrence to the Caledonia, and our jib-boom was over the Caledonia's taffrel. All were nearing the enemy, and something less than half a mile off.

Q. When Capt. Perry came on board the Niagara, did he not find the helm up, and that vessel standing direct for the enemy's ship Detroit?

A. The helm was up, and we were bearing down upon the enemy. The foresail was set for that purpose.

Q. By the Court—Did Capt. Elliott do all in his power to close in with the Lawrence, when she was overpowered by the enemy's vessels firing into her?

A. I believe he did.

Q. Did he get up in time to afford her relief?

A. She was nearly disabled, but still firing when he got up.

Q. Was Capt. Elliott's conduct during the action, that of a good officer in your judgment?

A. It was.

Q. Did you observe any indication of an intention on his part to withdraw from the enemy, at the time the Lawrence was disabled?

A. No; he appeared to be anxious to close in.

Q. By Captain Elliott—Did the Lawrence and Caledonia, at any time during the action, run down within musket shot of the enemy and leave the Niagara firing at the enemy's smaller vessels at a distance?

A. No. We were close to the Caledonia during the whole action, till she was ordered out of the way in order to let us pass to the assistance of the commodore.

Mr. Tatem, Master's mate on board the Niagara, was sworn.

Q. By the Judge Advocate—Did Captain Elliott do all in his power to close in with the Lawrence when she was overpowered by the enemy's vessels firing into her?

A. He did.

Q. Did he get up in time to afford her relief?

A. We were never much out of the way. We were immediately under the Caledonia's stern, and the Lawrence about the length of the Caledonia ahead of the latter. The three brigs were in compact line.

Q. Was Captain Elliott's conduct during the action, such as merited approbation?

A. I thought at the time no man could display more zeal, gallantry and good conduct than he did.

Q. Did you observe any appearance of an intention on his part to withdraw from the enemy when the Lawrence was disabled?

A. No; far from it.

Q. Did the Niagara, at any time during the action, make off from the British fleet?

A. No.

Q. Did the Lawrence and Caledonia at any time bear up, and place themselves within musket shot distance from the enemy, leaving the Niagara three quarters of a mile off, firing at the enemy's smaller vessels?

A. No; until we passed the Caledonia, we were immediately under her stern.

Q. By Capt. Elliott—What conversation passed between me and Captain Perry, when I returned on board the Niagara?

A. I saw Capt. Perry shake hands with Capt. Elliott, and heard him express his high satisfaction at Capt. Elliott's conduct, and attribute to him a large share of the glory of the day.

Q. How near was Capt. Elliott to the Lawrence when passing her?
A. He took very little more than room enough to pass to the windward.
Q. Was the Niagara three quarters of a mile on the bow of the Lawrence when Capt. Perry came on board?
A. No; I should suppose not more than 60 or 70 yards, if that.
Q. Was not the helm up, and the Niagara bearing down on the enemy when Capt. Perry came on board?
A. Yes.
Q. Had you been an officer on board the Lawrence, would you have supposed there was any deficiency in the conduct of Capt. Elliott in coming to the relief of the Lawrence?
A. No one seeing what was going on could suppose so—for my own part, I should not.
The Court adjourned until to-morrow morning at half past 9 o'clock.

April 26th, 1815

Court met pursuant to adjournment—Officers as before.
Mr. Cummings, acting Midshipman on board the Niagara, was sworn.
Q. By the Court—Did Capt. Elliott do all in his power to gain a nearer position to the enemy?
A. Yes; in my opinion, every thing that he could do.
Q. Do you believe Capt. Elliott did every thing he ought to have done in the action?
A. Yes.
Q. Did the Niagara attempt to make off from the enemy's fleet during the action?
A. No.
Q. Did the enemy's ship Queen Charlotte attempt to make off from the Niagara?
A. Yes; the Queen Charlotte attempted to get away from us, and in so doing run foul of the Detroit. This was before Capt. Elliott left the Niagara to go on board the gun boats.
Q. Where was the Niagara when Capt. Perry came on board of her? and was the Lawrence at that time three quarters of a mile nearer the enemy than the Niagara?
A. The Niagara was lying along side the enemy's ships Queen Charlotte and Detroit. I think she was not more than two cables length from them. I think we were nearer the enemy than the Lawrence.
Q. When we passed the Lawrence, how near were we to her?
A. I was not looking at her, but the first time I saw her, after we passed her, she was not more than a quarter of a mile off.
Q. Did the Lawrence and Caledonia, at any time during the action, bear up for the enemy, leaving the Niagara standing on to windward?
A. No; not that I saw.
Q. Did Capt. Elliott order the Caledonia out of the line at any period of the action?
A. Yes; an hour before Capt. Perry came on board.
Lieut. Forrest, acting Lieutenant on board the Lawrence, was sworn.
Q. Where were you stationed?
A. In the second division.
Q. Have you read Capt. Perry's official letter, and does it contain a correct statement of facts?
A. I have just read it, and it is correct.
Q. By the Judge Advocate—What else do you know of this inquiry?
A. When we got within three miles of the enemy on the 10th September, Capt. Elliott hailed us concerning the flag that was to be hoisted on board the Commodore. A flag with the motto, "Don't give up the ship," was hoisted. Com. Perry hailed Capt. Elliott, and told him that he (Com. P.) intended to engage the Detroit, and wished the Niagara to drop just a-stern of him. We went into action in that order. Signals were made from the Lawrence for each vessel to engage its opponent.
Q. Did the Niagara attempt to make off from the British fleet at any time during the action?
A. No.
Q. Do you know whether Capt. Elliott did all in his power to gain a position nearer to the enemy?
A. It is my opinion there might have been more sail set on the Niagara.
Q. Did he do every thing becoming a brave and meritorious officer in that action?
A. So far as I saw I believe he did.
Q. Where was the Niagara when Com. Perry went on board?
A. She was to windward of us. I suppose she was about half a mile off, but I cannot be positive.
Q. Did you, during the action, express your surprise that the Niagara did not close with the enemy?
A. Yes.
Q. How far was the Niagara from the enemy at the time?
A. I do not know. I suppose from three quarters to half a mile.
Q. Was the Niagara then engaged?
A. She was firing.
Q. How near was the Lawrence to the enemy at the same time?
A. At point blank shot distance with a carronade.
Q. Did the Caledonia and Lawrence, at any time during the action, bear up and run down on the enemy, leaving the Niagara standing on?
A. After the action commenced, the Niagara was standing directly after us.
Q. Are Lieuts. Edwards and Smith, and Mr. Magrath, late of the Niagara, dead?
A. Yes.
Q. Is there any thing further relating to this inquiry, that you wish to state to the Court?
A. No.
The Court being cleared, and the whole of the proceedings read over to the Court by the Judge Advocate, the following opinion was pronounced.
[Opinion given, page 13, of Speech.]

I CERTIFY, that I have compared the preceding copy of a record with the original on file, being proceedings of a Court of Inquiry held April, 1815, and find the same to be correct.

S. A. ELLIOTT

MARCH 7, 1843

The following official documents may be useful to those of my more western friends. I had hoped to meet the father of Mr. Carnes, among other complainants, and sent him a subpœna to appear before the Court of Inquiry for that purpose alone. The accompanying documents furnish both the text and the commentary to the complaints of the father of the young man, in relation to his son. Being from the interior of our country myself, I have always been able to appreciate their situation and have acted with uniform kindness and forbearance to young gentlemen introduced into the Navy thus, and have successfully advocated the necessity of their greater participation in the issuing of appointments for the Navy. The apparent *kindness* of my professing friend, doubtless was prompted by one of a far different character, but which it will be perceived leaves the adder without its sting.

[COPY.] *Navy Department, Oct.* 10, 1839.

Sir— Col. Carnes has requested of this Department a copy of your letter transmitting the resignation of his son, Midshipman Carnes, during your late command in the Mediterranean.

I request that you will inform the Department whether you have any objections to a copy of the letter being furnished as requested.

I am, very respectfully, your obedient servant, J. K. PAULDING.

To Com. Jesse D. Elliott, U. S. Navy, Carlisle, Pa.

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[COPY.] *Carlisle, October* 14, 1839.

Sir,—I have the honor to acknowledge your letter of the 10th inst., in answer to which I have to remark that the communications made to the Department by me, while in command of the Mediterranean Squadron, are on file, and no longer subject to my control. So far as I may have any control over them, I waive all objections, and request that you will receive and place on file the accompanying letter from the son of Col. Carnes, the original of which is in my possession, subject to the orders of the Department, if necessary, to be forwarded, a copy of which letter I desire may be given to Col. Carnes. Connected with this subject I will remark, that Midshipman Carnes came to the Mediterranean on board the frigate United States. Soon after the arrival of this ship, her commander, Capt. Wilkinson, informed me of the embarrassed situation which this young gentleman was in on board his ship, and proclaimed him wholly unfit for the Navy, on account of his total disregard to the cleanliness of his person. In order to make myself personally acquainted with his situation, I required him to be sent to me on board the Constitution. In the interview with him I learned, that he was from the western part of our country, somewhat unused to the busy scenes of a man-of-war. Communicating to me the unhappiness of his situation, I at once entered into his feelings, and feeling the regard of a parent for him, invited him on board the Constitution, and placed him under the charge of Midshipman John N. Maffit, my aid, who promised me his attention and kindness towards him. Sometime subsequently, in the name of the messmates of Mr. Carnes, Mr. Maffit called on me, and stated that he still gave no attention to the cleanliness of his person, and that the midshipmen declined to mess further with him on account of the state of his body, from the effects of ******. To relieve him from further embarrassment, I ordered him to the Shark, then undergoing repairs, with permission to be on shore at Mahon, and cleanse his person. Whilst in this state, Mr. Carnes writes me the accompanying letter, and his wishes were acceded to, on my part, by ordering him to the frigate United States, on the 31st March, 1837, then destined to the lower Mediterranean, with permission to return home.

During the last winter, in the midst of the *detraction* and *abuse* that was heaped upon me, Col. Carnes, an entire stranger to me, addressed me a letter from Louisville, Ky., in which I am informed, that your predecessor showed him the letter of which he requests a copy, but upon asking for a copy, refused to grant it; he therein unceremoniously demands from me a withdrawal of that letter from the files of the Department.

A proper regard for the station I hold in the Navy, as well as out of it, forbids me from treating his letter otherwise than with silence.

Previous to the meeting of the recent Court of Inquiry, at Philadelphia, a subpœna was issued by the Judge Advocate for the attendance of Mr. Carnes; then I was prepared with all the proof necessary for the explanations, but he failed to attend.

I am, very respectfully, your ob't serv't,

J. D. ELLIOTT.

To the Hon. J. K. Paulding, S. N.

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[COPY.] *Port Mahon Navy Yard, March* 19

Sir,—If you will allow me to take passage to Gibraltar in the Frigate United States, I pledge you my word of honor that eight days after my arrival in the United States I will resign my appointment.

I have no means of defraying my expenses, or I would resign before this time. This I ask not for myself, but for the honor and feelings of my parents. I have no friends to look to. My feelings are so affected that I do not know what course to pursue or how to act. I know, sir, that my conduct has not warranted the kindness you have exhibited towards me; but for the grey hairs of my poor father, do not deny what I have requested. He shall be made acquainted with all; and I feel assured he will embrace you for the kind feelings of forbearance that you have manifested towards his unfortunate son.

I am, sir, very respectfully, your obedient servant, WM. H. CARNES, U. S. N.

To J. D. Elliott, commanding U. S. Naval Forces in the Mediterranean.

I do certify that the above is a true copy of the original as in the hands of Com. Elliott

W. M. STEWART

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